

HISTORY OF THE  
AMERICAN  
PEOPLE

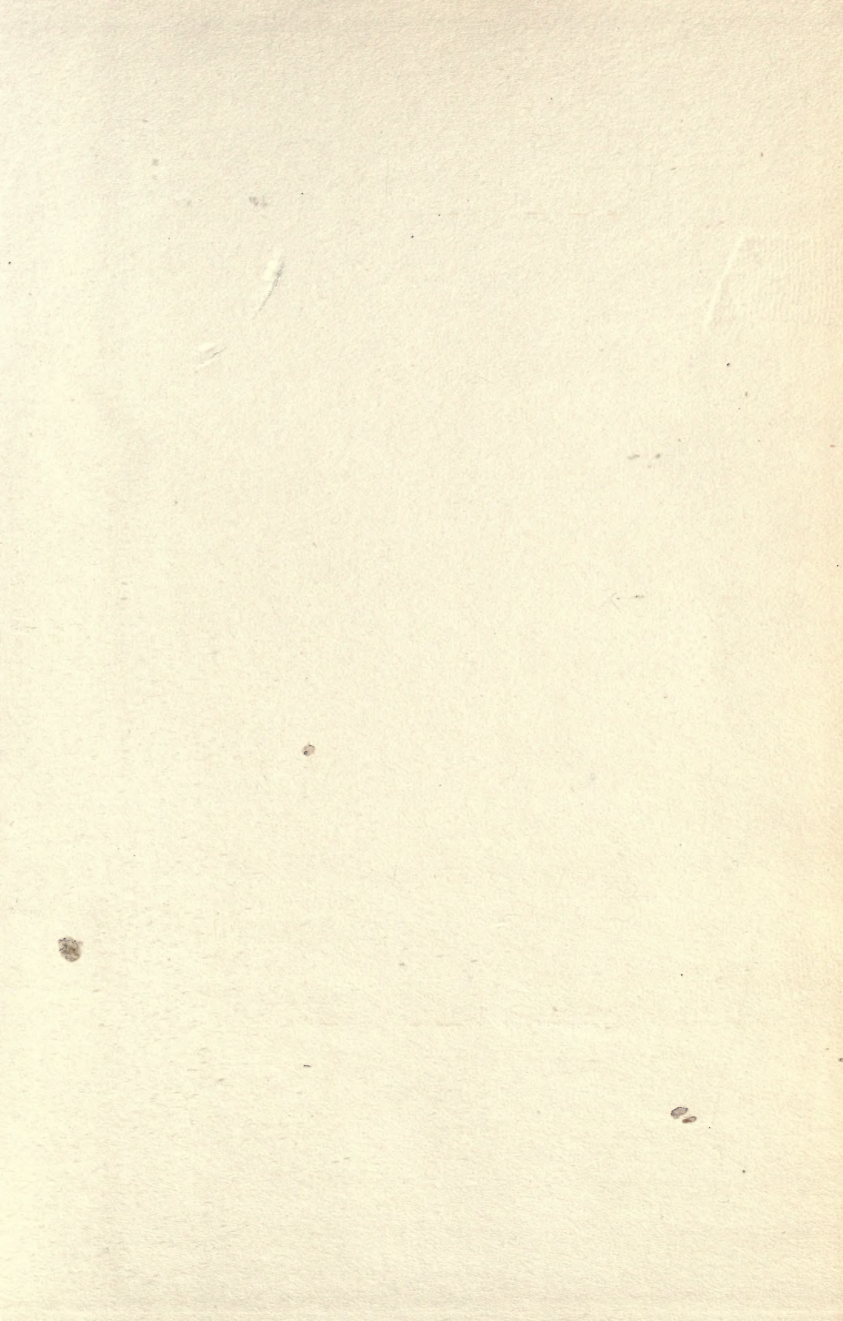
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WILLIS MASON WEST



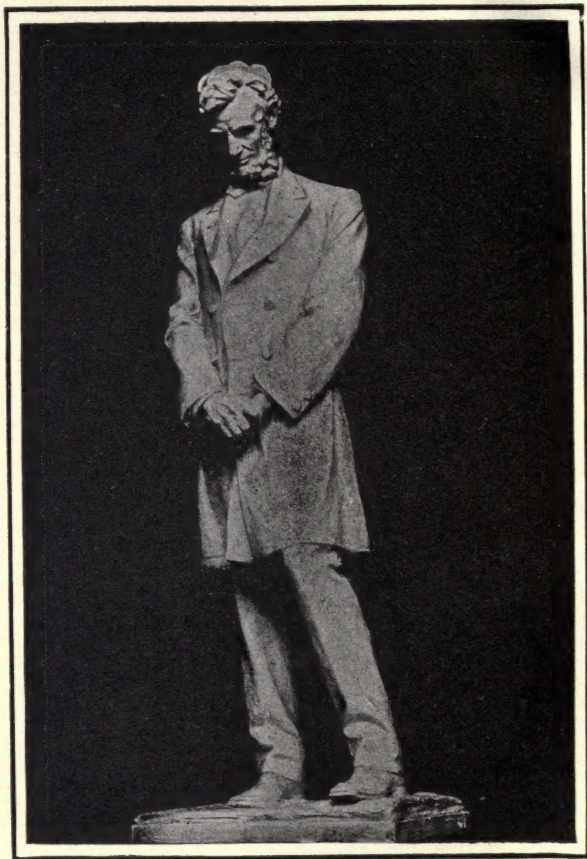
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ABRAHAM LINCOLN.

(The statue at Lincoln, Nebraska, unveiled September 2, 1912. Reproduced with the courteous permission of the sculptor, Daniel C. French.)

*. . . that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.*—GETTYSBURG ADDRESS.

# HISTORY

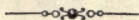
OF THE

# AMERICAN PEOPLE

BY

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## FOREWORD

THIS book is for high-school use. It is based in a measure upon my *American History and Government*, but it is a new work, not a revision. The story is simpler, and, I hope, more graphic. Much less space is given to political features, and much more to the industrial and social life of the people. And the Great War compels a new perspective for all recent history.

Four features are emphasized more than is common in books of this class: (1) the historical grounds for friendship between America and England, in spite of old sins and misunderstandings; (2) the meaning of the West in American history; (3) the heroic labor movement of 1825-1840, usually ignored; and (4) the long conflict between entrenched "privilege" and the "progressive" forces in State and Nation.

I have tried also to correct the common delusion which looks back for a golden age — to Jefferson or John Winthrop — and to show instead that the democracy of to-day, imperfect as it is, is more complete than that of our earlier periods. Throughout I have not hesitated to portray the weaknesses, blunders, and sins of democracy. My own faith is strong that the cure for those ills is to be found in *more* democracy. I should care little to write upon American history did I not believe that a fair presentation must strengthen that faith in generous-minded youth.

The volume closes with a war chapter, which necessarily is exceedingly imperfect. Mighty changes impend, and war clouds obscure them. But among those facts that stay our hope for America there towers one shining truth. The call to arms of last April met its most prompt and splendid response

from the students and recent graduates of our high schools. These schools have been much criticized, perhaps with some reason, for failing to fit for business or for industrial life; but they have now justified themselves gloriously. Even more than any admirer had claimed, they have proved that they have given to American youth a true sense of world values, a fine, robust idealism, and a nobly quiet readiness to live or die for those ideals, — to do their bit for world-righteousness. To the youth so trained in those schools, and now embattled in the mighty conflict "to save democracy," I humbly dedicate this book.

WILLIS MASON WEST.

WINDAGO FARM,  
January, 1918.

The present reprint of this book contains changes and additions bringing it down to date.

W. M. W.

June, 1920.

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HISTORY  
OF THE  
AMERICAN PEOPLE



# THE AMERICAN PEOPLE

## PART I

### THE ENGLISH IN AMERICA

---

#### CHAPTER I

##### WHAT THE ENGLISH FOUND

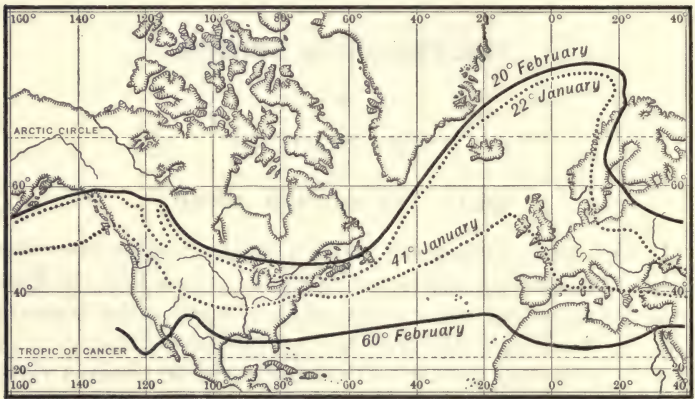
1. OUR early history has to do with the Appalachian coast only. That fringe of the continent was more like the European homes of the early colonists than is any other large district in America. The lives of the English settlers were far less changed than if they had colonized the Mississippi valley or the Pacific coast.

2. The Appalachian coast, however, does differ from the European coast of the Atlantic in two vital matters:—(1) *The summers are hotter and the winters colder* than in Europe. Unexpected fevers in one season, and unforeseen freezing in the other, ruined more than one attempt at settlement. Captain Weymouth explored the region near the mouth of the Kennebec, in the spring of 1605, and brought back to England glowing reports of a balmy climate “like that of southern France”; but the colonists who tried to settle there two years later (§ 26) suffered cruelly from a winter like that of Norway.

(2) *As one goes from north to south, the climate changes more swiftly in America than in Europe.* In their settlements, between Maine and Florida, English colonists encountered climates as different as they would have found in the Old World

if they had spread out from Norway to the Sahara. This sharp difference between north and south was one reason why Virginian Englishman and New England Englishman grew apart in life and character.

**3. The soil, too, and the natural products, varied from north to south.** The rich lands of the south were suited to the cultivation of tobacco or rice or cotton, in large tracts, by slaves or bond servants. The middle district could raise foodstuffs



LINES OF EQUAL TEMPERATURE.<sup>1</sup>

on a large scale. The north was less fertile: farming was not profitable there except in small holdings, with trustworthy "help"; but the pine and oak forests of that region, its harbors, and the fish in its seas, invited to lumbering, fishing, ship-building, and commerce. Each section had its distinct set of industries, and so came to have its peculiar habits of living.

<sup>1</sup> This map illustrates some of the points of § 2. The line marked 20° February is supposed to run through places that have an average temperature of 20° Fahrenheit for the month of February. The two dotted lines bound a zone of climate that is sometimes called "the true temperate zone." The heavy February lines bound a zone of climate that includes all the Appalachian district. Plainly, zones of climate are narrower in America than in Europe.

**4. Communication from north to south was difficult.** Colony was often divided from colony, or groups of colonies were divided from one another, by arms of the sea. Even when two colonies lay side by side without intervening bays, there were still no roads from north to south. The chief highways were the rivers, running from the mountains to the sea. As a rule, a colony found it about as convenient to hold communication with England as with its neighbor on either side. This lack of intercourse hindered the different sections from growing together in feeling and character.

**5. The features of geography noticed so far all tended to "sectionalism."** But this evil was more than offset by **two advantages that geography gave the English over their European rivals in America.** The territory colonized by England was *more accessible* and *more compact* than that held by France or Spain. It was easier for the English to get into America than for the others; and it was not so easy after they got there for them to weaken themselves at once by scattering widely.

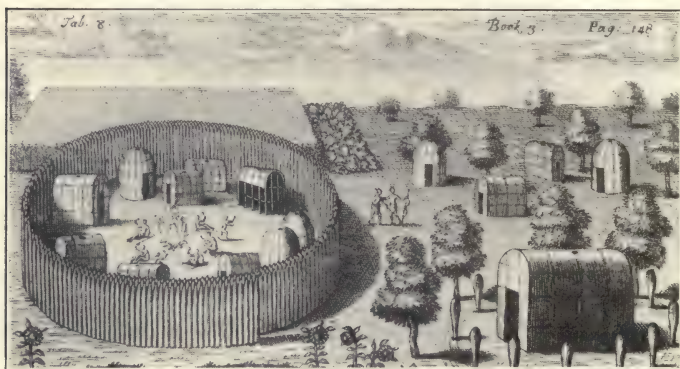
(*Accessibility.*) The small sailing vessels of that day found easy access to the Atlantic coast, with its countless little harbors. That region invited European settlement much more than did the vast inland valleys of the St. Lawrence and the Mississippi, where the French cast their fortunes. Sometimes we speak of these great river systems as "gateways to the continent"; and so they are *to the interior*. But, in the early days, men did not care to go far into the interior. They liked better the fringe of the continent, *where they could keep closer touch with the Old World*. Moreover, in the districts *near the mouths* of the great rivers, neither climate nor soil was suitable for European settlers; and, in the days before steamships, vessels could hardly ascend the Mississippi, above New Orleans, because of the swift current and the countless obstructions.

(*Compactness.*) The Appalachians kept the colonists from spreading too rapidly as they grew strong. These mountains are not lofty; but they are rugged and they were then covered with forests tangled with underbrush and vines, so as to be singularly impassable. Four rivers broke the mountain wall—the Potomac, Delaware, Susquehanna, and Hudson-Mohawk: but, without more engineering skill than belonged to that day, only the Mohawk could be used as a road to the inner country; and *that route was closed by the Iroquois Indians*.

6. Three groups of Indian peoples held the country between the Mississippi and the Atlantic,—the Gulf tribes, the Algonkins, and the Iroquois.

*The Gulf tribes* (Choctaws, Seminoles, Creeks) had made the most progress toward civilization; but they were too far south and west to affect White settlement much until the beginnings of Georgia and Tennessee, almost at the end of the colonial period.

*The roaming Algonkins* were the largest of the three groups, but also the weakest and least civilized. Numbering from



AN ALGONKIN VILLAGE. From Beverly's *History of Virginia* (1701); based on a picture by John White (one of Raleigh's colonists) in 1585, now in the British Museum. The palisades must have been twelve feet high. Probably a spring of water was found inside. The fields of corn and tobacco in the rear were common property. Ceremonial dances were held within the circle of posts about the "lodge" in the foreground.

75,000 to 100,000 souls,—thinly scattered in a multitude of petty, mutually hostile tribes,—they "haunted, rather than inhabited, a vast hunting preserve" stretching from the Atlantic to the Mississippi and from the Ohio to the far north. To this group belonged the Powhatans, Delawares, Narragansetts, Pequods, Mohegans, and, indeed, nearly all the tribes with which the early English settlers came in hostile contact.

*The Iroquois Confederacy* was the strongest native power for war. They numbered about 10,000, and lived in compact, fortified villages, in Western New York.

We have little accurate knowledge about the numbers of the natives. Scholars now agree that those east of the Mississippi did not exceed 200,000. Many a single city in our country to-day contains more people than dwelt in all the continent, north of Mexico, when Europeans first touched its shores.

**7. The distribution of the native peoples affected vitally the success of European settlement.** *The Spaniards* in South and Central America had to deal only with races gentler than any of these North American Indians. So the Spaniards *conquered too rapidly*. They overran the continent faster than they could occupy it. Their rule, too, was built upon the slavery of the natives. The conquerors mixed their blood with this enslaved population until their own nationality was lost.

*The French*, in the north, came into conflict with the formidable Iroquois; and deadly blows by this fierce confederacy did much to prevent French mastery of America.

*The English*, in their time of weakness, touched only the Algonkins, who could not seriously endanger European settlement. At the same time, the Algonkins were *untamable*; and so the English did not mix blood with them. And they were dangerous enough to scattered settlements to help keep the English colonies fairly compact, down to the Revolution. This compact settlement gave opportunity for true civilization, and it made possible the union of the colonies against England, when the time came. *Both nature and the natives, seeming unkind to the English colonist, were really kinder to him than to his rivals.*

**8. In certain ways the Indians aided English colonization directly.** They furnished the first settlements with the "Indian corn" that warded off starvation; and soon they taught the colonists to plant both corn (maize) and tobacco—the two native products of supreme value in the early period.

*Maize* was long the main food supply. European grains failed *in the new climate* season after season, while the colonist was learning the new conditions. Moreover, to clear and prepare the soil for wheat or barley took much time. *Maize was a surer crop and needed less toil.* The colonist learned from the Indian to raise it, at need, without even clearing the forest, — merely girdling the trees to kill the foliage, and planting among the standing trunks. It was no accident that this Indian grain came to be called “corn,” the *general* name for European grains.

Tobacco the colonist exchanged for European goods. If Indian corn enabled him to live through the first hard years, it was *tobacco* that first made him rich.

Colonies too far north to raise tobacco found their first wealth in furs; and these, too, they obtained mainly from native hunters. Indian *wampum* at times made an important part of colonial money. *Forest trails*, worn into deep paths by the feet of generations of Redmen, became highways for White travel.<sup>1</sup> *Water routes*, too, discovered by native pilots in birch canoes, were adopted by White traders. And *stations for the exchange of furs*, where certain trails and waterways joined, became the sites of mighty cities like Milwaukee, Chicago, St. Louis, and Duluth.

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<sup>1</sup> Cf. map facing page 10. The New York Central Railroad follows the old Iroquois trail from Lake Erie to the Hudson; and in Minneapolis one of the finest streets (Hennepin Avenue) is an ancient Indian trail from the neighboring Lake Harriet to the Mississippi just above the Falls of St. Anthony.

## CHAPTER II

### ENGLAND'S RIVALS

**9. Spain was first in the field in American colonization.** During the crusades, Europe had learned to depend on Asiatic spices, sugars, cottons, silks, and metalwares, as luxuries and even as daily necessities. For two hundred years a vast caravan trade brought these articles, in a steady stream, from



**COLUMBUS AT THE COURT OF FERDINAND AND ISABELLA.** From the imaginative painting by Brozik in the Metropolitan Museum in New York City.

central Asia to the eastern shores of the Mediterranean ; but in the fifteenth century the rise of Turkish barbarians in Asia Minor closed this route. Europe, just then awaking from the long torpor of the Middle Ages, eagerly sought new trade routes into Asia. Portugal found one, to the south, around Africa. Columbus, aided by the Spanish Isabella, tried a still

bolder western road — and stumbled on America in his path (*Modern World*, §§ 255, 343).

10. This discovery marked the close of the fifteenth century. **The next century in the New World was Spain's.** The story of her conquest is a tale of heroic endeavor, marred by revolting ferocity. The details, as an old Spanish chronicler said, are "all horrid transactions, nothing pleasant in any of them."

Not till twenty years after the discovery, did the Spaniards advance to the mainland for settlement ; but, once begun, her



DE SOTO DISCOVERING THE MISSISSIPPI. From the imaginative painting by William H. Powell in the Capitol at Washington.

handfuls of adventurers swooped swiftly north and south. By 1550, she held not only all South America (save Portugal's Brazil), but also all Central America, Mexico, the Californias far up the Pacific coast, and the Floridas. The gold from Mexico and Peru helped to give Spain her proud place as *the most powerful country in Europe* through most of the sixteenth century ; and she guarded her American possessions jealously. The Gulf of Mexico and the Caribbean were Spanish lakes, and the whole Pacific was a "closed sea." Frenchman or Englishman, caught upon those waters, was put to death.

11. Nor was Spain content with even this huge empire on land and sea. She was planning grandly to occupy the Mississippi valley and the Appalachian slope in America, and to seize Holland and England in Europe; but, in 1588, she received a fatal check. The gallant English "sea-dogs" destroyed the "Invincible Armada" in a wonderful nine-days' sea fight. That victory did more than merely save England: it marked a turning point in World history. Spain never recovered her old supremacy upon the sea, and so *other European peoples were left free to try their fortunes in America.*

12. For a time, France seemed most likely to succeed Spain as mistress of North America. A quarter of a century went to exploration and failures. Then, in 1608, Champlain founded a French colony at Quebec. Soon, canoe-fleets of traders and missionaries were coasting the shores of



LA SALLE TAKING POSSESSION OF THE MISSISSIPPI VALLEY FOR FRANCE, at the mouth of the river. From an imaginative painting by Marchand at the St. Louis Exposition in 1904.

the Great Lakes and establishing French stations there—at points still known by French names. Finally, in 1682, after years of splendid effort, LaSalle succeeded in following the Mississippi to the Gulf, setting up a French claim to the entire valley.

In later years *New France* consisted of the colony on the St. Lawrence in the far north, and the semi-tropical colony of New Orleans, joined to each other, along the interior waterways, by a slight chain of trading posts and military stations—Detroit, Sault Ste. Marie, Vincennes, Kaskaskia, St. Louis, and the like (map facing next page).

13. From the beginning of this colonization, it was plain that France and England were the real rivals for the control of eastern North America. The open struggle between them began in 1689, and lasted some seventy years in a series of wars, until France was thrust out of the continent in 1763.

14. It is easy to point out certain French advantages. At home French statesmen worked steadily to build a French empire in America, while the English government ignored English colonies. The thought of such an empire, too, inspired French explorers in the wilderness, — splendid patriots like Champlain, Ribault, and LaSalle. France also sent forth the most zealous of missionaries to convert the savages. *These two mighty motives, patriotism and missionary zeal, played a greater part in founding New France than in establishing either Spanish or English colonies.* Moreover, the French could deal with the natives better than the less sympathetic English could, and their leaders were men of far-reaching views.

Why, then, did France fail?

15. The chief *external* cause of French failure was the relentless hatred of the Iroquois. Curiously enough, it was the ability of the French to make friends with the natives which brought upon them this terrible scourge. Champlain (§ 12) came first in touch with Algonkin tribes, and won their friendship. He accompanied these allies on the warpath against their Iroquois foes, and so earned Iroquois hatred for New France.

The Iroquois hindered French success in four distinct ways.

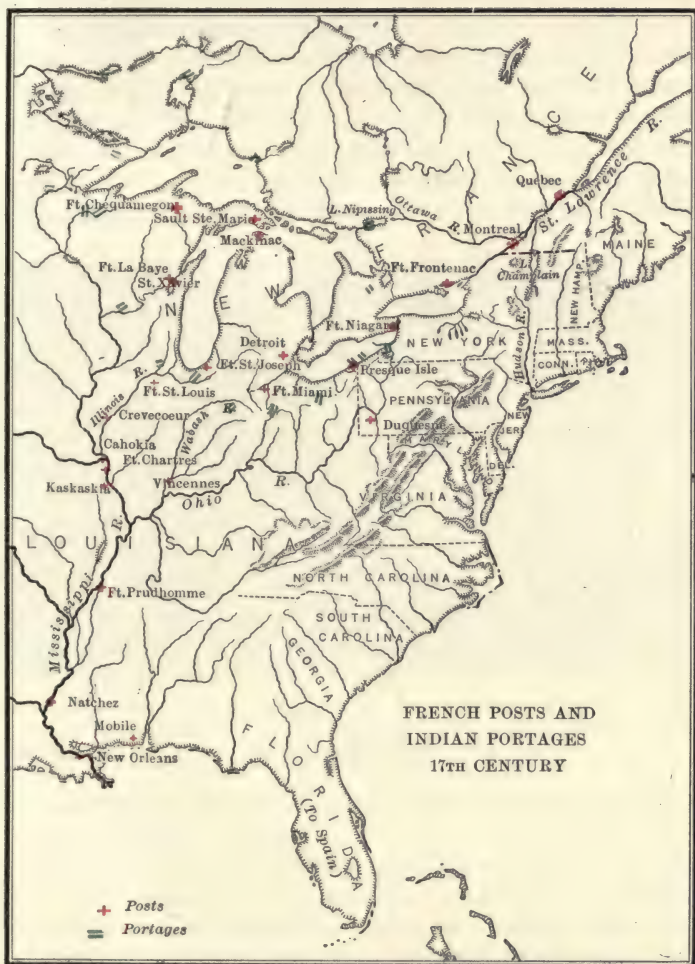
*They annihilated the Huron Indians*, whom French missionaries, after many heroic martyrdoms, had Christianized, and upon whom the French had hoped to build a native civilization.

*At times they struck terrible blows at New France itself.*<sup>1</sup>

*They shielded the English colonies*, during their weakness, from French attack. The French in Canada could strike at the English only by way of the route followed later by Burgoyne.

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<sup>1</sup> Mrs. Catherwood's *Romance of Dollard* tells the glorious story of one critical conflict. Dollard and his band of heroes were to Quebec what Leonidas and his Three Hundred were to Greece.





Everywhere else the wilderness between Canada and the English settlements was impassable except by prowling bands; and this one route was guarded by the Iroquois.

*They changed the whole course of French exploration*, turning it to the north. The home of the confederacy was in Western New York, — “the military key to the eastern half of the continent.” (So Winfield Scott called it, and Ulysses S. Grant afterward.) It commanded the headwaters of the Delaware, Susquehanna, and Mohawk-Hudson system, and the portage



CHAMPLAIN'S FIGHT WITH THE IROQUOIS, on the shores of Lake Champlain.

From *Les Voyages du Sieur de Champlain* (Paris, 1613), the volume in which this lake is first given Champlain's name.

at Niagara from Erie to Ontario, as well as part of the headwaters of the Ohio.

The French leaders had keen eyes for military geography and would certainly have seized this position at any cost, if they had been able to learn its character. They would then have fortified the Ohio by a chain of posts, as they did their other waterways; and this would have buttressed their position on the Mississippi and the Lakes so as to defy attack. *But they did not learn the importance of the Ohio valley until*

*too late.* Montreal was founded in 1611; but, instead of reaching the interior from there by the upper St. Lawrence and Lake Erie, French traders turned up the Ottawa, so as to avoid the Iroquois, and reached Lake Huron by portage from Nipissing. *Lake Erie was the last, instead of the first, of the Lakes to be explored.* It was practically unused until after 1700, and the country to the south remained unknown even longer. Navigation was by fleets of canoes, which had to land frequently. Thus, because of the Iroquois, the French could not follow the southern shore, nor use the portage at Niagara. When they awakened to the value of the Ohio valley, English traders had begun to push into it, with cheaper goods;<sup>1</sup> and the opportunity for France was already lost.

**16. Inherent weaknesses** in French colonization, however, *were the fundamental cause of French failure.* **Three essentials were lacking : homes, individual enterprise, and political life.**

*New France was not a country of homes or of agriculture.* Except for a few leaders and the missionaries, the settlers were either unprogressive peasants or reckless adventurers. For the most part they did not bring families; and they remained unmarried or chose Indian wives. Agriculture was the only basis for a permanent colony; but these colonists did not take to any regular labor. Instead, they turned to trapping and the fur trade, and tended to adopt Indian habits. The French government in Europe sought in vain to remedy this by sending over cargoes of "king's girls," and by offering bonuses for early marriages and large families. But even with this fostering, French colonization did not produce numbers. In 1754 when the final struggle for the American continent began, France had three times as many people as England had, but in America she had only a twentieth as many colonists.

*Paternalism smothered private enterprise.* In all industries, New France was taught to depend upon the aid and direction

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<sup>1</sup> England's industrial superiority over France was one factor in winning America. After 1725 that superiority was marked.

of a government three thousand miles away. Aid was constantly asked from the King. "Send us money to build store-houses," ran the begging letters of Canadian officials; "Send us a teacher to make sailors"; "We want a surgeon"; and so, at various times, requests for brickmakers, ironworkers, pilots, and other skilled workers. Such requests were usually granted; but New France did not learn to walk alone. The rulers did much; but the people did little.

*Political life was lacking.* In the seventeenth century France itself was a centralized despotism;<sup>1</sup> and in New France (to use the phrase of Tocqueville) "this deformity was seen magnified as through a microscope." No public meetings were permitted without a special license; and such meetings, when held, could do nothing worth while. All sorts of matters, even the regulation of inns and of pew rent, the order in which people should sit in church, the keeping of dogs and of cattle, the pay of chimney sweeps, were dealt with not by local legislatures or village councils, but by ordinances of the governors at Quebec, who were sent over by the French King. "It is of the greatest importance," wrote one official, "that the people should not be at liberty to speak their minds."

Worse even than that—the *people had no minds to speak*. In 1672, Frontenac, the greatest governor of New France, tried to introduce the elements of self-government. He provided a system of "estates" to advise with him,—a gathering of clergy, nobles, and commons (citizens and merchants); and he ordered that Quebec should have a sort of town meeting twice a year to elect aldermen and to discuss public business. But the home government sternly disapproved all this, directing Frontenac to remember that it was "proper that each should speak for himself, and no one for the whole." **The plan fell to pieces; the people cared so little for it that they made no effort to save it.**

FOR FURTHER READING. — The plan of this volume forbids extended class work upon the topics touched in chapters i and ii; but the books named below may be explored by the student who desires to read further.

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<sup>1</sup> *Modern World*, §§ 25, 516.

ON THE DISCOVERY AND ITS PERIOD. — Payne, "Age of Discovery" in *Cambridge Modern History*, I (an admirable treatment in thirty pages); Fiske, *Discovery of America*; Cheyney, *European Background of American History*; Becker, *Beginnings of the American People*, 1-36.

ON ENGLAND'S RIVALS. — Moses, *Spanish Rule in America*; Bourne, *Spain in America*; Thwaites, *France in America*; Parkman's Histories, especially, *Montcalm and Wolfe*, *Half Century of Conflict*, and *The Old Régime in Canada*. Gilbert Parker's earlier stories, particularly *The Trail of the Sword* and parts of *Pierre and His People*, picture vividly the Canadian colonial type.

EXERCISE. — Brief, rapid answers (oral or written) on the following topics, — the answers to be given concisely and, as a rule, *in single words or phrases*, rather than in sentences.

1. Two contrasts between the Atlantic coast of Europe and that of North America which affected colonization materially? 2. How did each of these factors work? 3. Two advantages from physical geography to English colonization, as compared with French or Spanish colonization? (*Two words suffice for this answer.*) 4. Three distinct advantages possessed by the French in their attempt to occupy America? 5. Three causes of French failure? 6. Three distinct ways in which the Iroquois hindered French success?

(Let each student present four or five more questions.)

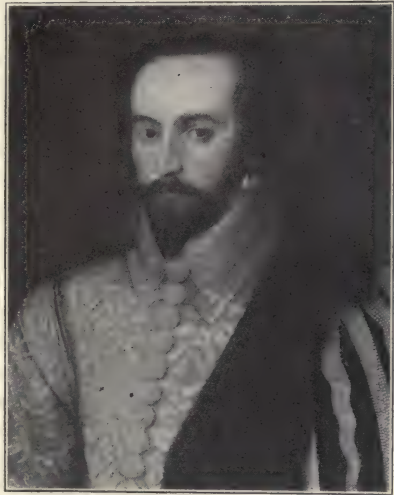
## CHAPTER III

### THE MOTIVES OF EARLY ENGLISH COLONIZATION

*Virginia was founded by a great liberal movement aiming at the spread of English freedom and of English empire.* — HENRY ADAMS.

17. The first impulse to English colonization came from *English patriotism*. When Elizabeth's reign was half completed, little England entered upon a daring rivalry with the overshadowing might of Spain.

*Out of that rivalry, English America was born.* Reckless and picturesque freebooters, like Drake and Hawkins, sought profit and honor for themselves, and injury to the foe, by raiding rich provinces of Spanish America. More far-sighted statesmen, like Raleigh, saw that English colonies in America would be "a great bridle to the Indies of the Kinge of Spaine,"<sup>1</sup> and began to try so to "put a byt in the anchent enymys mouth."



SIR WALTER RALEIGH AT THIRTY-FOUR.  
From a portrait ascribed to Zuccaro, now  
in the National Gallery, London.

<sup>1</sup> This phrase heads a chapter in a pamphlet on *Western Planting* written in 1684, at Raleigh's request, by Richard Hakluyt, a clergyman of the Church of England. The text urges: — "If you touch him [Spain] in the Indies, you touch him in the apple of his eye. For, take away his treasure, — which he has almost wholly out of his West Indies, — his olde bandes of souldiers will soon be dissolved, his purposes defeated, his power diminished, his pride abated, and his tyranie utterly suppressed" (*Source Book*, No. 3).

18. But to found a colony in those days was harder than we can well comprehend. The mere outlay of money was enormous for that time. Ships had little storage room; so freights were high, and the best accommodations were poorer than modern steerage. To carry a man from England to America cost from £10 to £12, or about \$300 in our values.<sup>1</sup> To provide his outfit and to support him until he could raise a crop, cost as much more. Thus to establish a family in America took some thousands of dollars.

Moreover, there were no ships ready for the business, and no supplies. The directors of the early colonizing movements met all sorts of costly delays and vexations. They had to buy ships, or build them; and, in Channing's phrase, they had to buy food for the voyages "on the hoof or in the shock," and clothing "on the sheep's back." They had also to provide government, medicines, fortifications, military supplies, and food to meet a possible crop failure. Much money, too, was sure to be lost in experimenting with unfit industries under untried conditions—as in the futile attempts to produce silk and make glass in Virginia.

19. The English crown *founded* no colonies, nor did it give money toward founding any. It did give *charters* to those men who were willing to risk their fortunes in the attempt. *These charters were grants of territory and of authority over future settlers.* Thus the English colonies (with a few accidental exceptions, which will be noticed) were at first **proprietary**. The proprietor might be *an individual* or *an English corporation*. In either case, the proprietor *owned the land and ruled the settlers*.

20. The first colonial charter was granted by Elizabeth, in 1578, to *Sir Humphrey Gilbert*. Gilbert made two attempts at a colony,—starting out the first time with eleven ships and nearly 600 colonists, and the second time with 260 picked settlers. Spanish hostility kept the first expedition from reaching America. The second, in the spring of 1583, entered St. John's Harbor on the New Foundland coast. Gilbert's

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<sup>1</sup> In 1600, money was worth five or six times as much as now.

claims were recognized readily by the captains of the "thirty-six ships of all nations" present there for the fisheries; but desertion and disaster weakened the colonists, and in August the survivors sailed for England. Gilbert had sunk his fortune, and he himself perished on the return. Song and story dwell fondly on the Christian knight's last words, shouted cheerily through the storm-wrack from his sinking little ship to comfort friends on the larger consort,— "The way to heaven is as near by sea as by land."

Gilbert's enterprise was taken up at once by his half brother, *Sir Walter Raleigh*, the most gallant figure of that daring age. In 1584, Raleigh received a charter copied from Gilbert's. In the next three years he sent three expeditions to Roanoke Island on the Carolina coast, each time in considerable fleets. His first explorers declared the new land "the most plentiful, sweet, fruitful, and wholesome of all the world," and the natives were affirmed to be "such as live after the manner of the golden age." But supplies and reinforcements were delayed by the struggle with the Spanish Armada; and when the next supply ships did arrive, the colonists had vanished without trace.

21. Raleigh had spent a vast fortune (a million dollars in our values); and, though he sent ships from time to time to search for the lost colonists, he could make no further attempt at settlement. Still, despite their failures, Gilbert and Raleigh are the fathers of American colonization. The tremendous and unforeseen difficulties of the enterprise overmatched even the indomitable will of these Elizabethan heroes; *but their efforts had aroused their countrymen and made success certain in the near future.* With pathetic courage, when in prison and near his death, Raleigh wrote, — "I shall yet see it [America] an English nation."

22. For twenty-five years, attempts at colonization had failed, largely because the life-and-death struggle with Spain in Europe drained England's energies. Worse was to come. James I (1603) sought Spanish friendship; and then indeed Englishmen began to feel their chance for empire slipping through their fingers.



SIXTEENTH-CENTURY ENGLISH MAP OF THE NEW WORLD.

But splendid memories of the great Elizabethan days still stirred men's hearts ; and, as a protest against James' dastard policy in Europe, the **fever for colonization awoke again** in the heart of the nation. Men said a terrible mistake had been



how many infidells have bene by *us* converted." Such Englishmen cared for the London Company mainly in its aspect as a foreign missionary society — the first in the Protestant world ; and this missionary character brought the Company many gifts of money from outsiders (*Source Book*, No. 26 c).

For many years, even this great Company had to struggle with discouragement and distress. But its pamphlets, urging people to buy stock, did not place emphasis on any hope of large dividends — as we expect a prospectus of a commercial company to do — but rather on the meanness and "avarice" of the man who would "save" his money instead of using it to extend English freedom and the kingdom of God (*Source Book*, Nos. 5-7). It was these high enthusiasms, far more than it was greed, that brought hundreds of the noblest of Englishmen to the rescue of the enterprise.

**24.** So far we have looked only at the motives of Englishmen who stayed at home and there helped to promote American colonization. Now let us look at **the motives of the colonists.**

In 1600, England needed room. True, the island had still only a tenth as many people as to-day ; but, as industry was carried on in that day, its four millions were more crowded than its forty millions are now. For the small farmers, especially, life had become very hard (*Modern World*, § 415) ; and these yeomen furnished most of the manual labor in the early colonies.

Few of this class could pay the cost of transporting themselves and their families to America ; and so commonly they were glad to bind themselves by written "indentures" to become "servants" to some wealthy proprietor. That is, these *indentured servants* mortgaged their labor for four years, or seven years, in return for transportation and subsistence, and perhaps for a tract of wild land at the end of their term of service.

*Captains and capitalists came from the English gentry class.* Until the peace with Spain in 1604, many high-spirited youth had been fighting Spain in the Netherlands, for Dutch independence ; and others had made the "gentlemen-adventurers" who, under leaders like Drake, had paralyzed the far-flung domains of New Spain with fear. To these men, and to many

“younger sons” of gentry families for whom there was now no career at home, America beckoned alluringly as the land of opportunity and adventure. The period, too, was one of rapid rise in the cost of living;<sup>1</sup> and the *heads* of some good families found themselves unable to keep pace with old associates. Some of these men preferred leadership in the New World to taking in sail at home.

None of these “gentlemen” were used to steady work, and they were restive under discipline; so sometimes they drew



QUEEN ELIZABETH KNIGHTING DRAKE, on board the *Golden Hind* on his return from raiding Spanish America in his voyage round the globe (1581). From a drawing by Sir John Gilbert.

down abuse from strict commanders like the worthy Captain John Smith. But they were of that “restless, pushing material of which the world’s best pathfinders have ever been made”; and when they had learned the needs of frontier life, their pluck and endurance made them splendid colonists.<sup>2</sup>

<sup>1</sup> Channing, *United States*, I, 143-144.

<sup>2</sup> *Source Book*, No. 17.

No doubt, the chief loadstone for most early settlers of all classes was some wild dream of wealth (*Source Book*, Nos. 8-9). In the first colonies, too, the expectations of sudden riches were more extravagant than in later attempts, and led for a time to disastrous neglect of the right sort of work. Still the motive was a proper one. It calls for no sneer. The same desire to better one's condition, in a later century, lured the descendants of the first settlers to people the continent from the Appalachians to the Golden Gate.

Moreover, the motive was not mere greed. The youth was moved by a vision of romance and adventure. He was drawn partly by the glitter of gold, but quite as much by the mystery of new lands bosomed in the beauty of unknown seas. Best of all, these motives of gain and of noble adventure were infused with a high patriotism. Englishmen knew that in building their own fortunes on that distant frontier, just as truly as when they had trod the deck of Drake's ship, they were widening the power of the little home island, which they rightly believed to be the world's best hope.

FOR LIBRARY WORK, see suggestions at the close of chapter v. The references in the text to the *Source Book* give work enough where that volume is accessible.

## CHAPTER IV

### EARLY VIRGINIA

(A PROPRIETARY COLONY, 1607-1624)

**25.** FOUR points demand notice in the **Virginia charter of 1606** (§ 22).

*Grantees.* The company of stockholders was divided into two sub-companies. One of these was made up mainly of Londoners, and is known as *the London Company*. The other was made up of gentlemen from the west of England, and is called *the Plymouth Company*. These proprietary companies were to remain in England.

*Territory.* The name Virginia then applied to the whole region claimed by England on the Atlantic coast, between the Spaniards on the south and the French on the north. This made a tract *about 800 miles long*, reaching from the *34th* to the *45th* parallel. Within this territory, each company was to have a district 100 miles along the coast and 100 miles inland, — the London Company's tract to be located *somewhere* in southern Virginia, the Plymouth Company's *somewhere* in the north.

The exact location of these grants was to be fixed by the position of the first settlements. The Londoners were to choose anywhere between the 34th and the 41st parallel (or between Cape Fear and the Hudson). The western merchants were to place their settlement anywhere between the 38th and the 45th parallel (between the Potomac and Maine). *Neither Company was to plant a colony within a hundred miles of one established by the other.*

This arrangement left the middle district, from the Potomac to the Hudson, open to whichever Company should first occupy it. Probably the King's intention was to encourage rivalry ; but, in fact, the dubious overlapping region was avoided by both parties. There was room for *six* 100-mile locations outside of it.

*Settlers' rights.* The charter gave the future settlers *no share in governing themselves*; but it did promise them "the liberties, franchises, and immunities" of Englishmen. This clause (*found also in Gilbert's and in nearly all later charters*) did *not* mean "the right to vote" or to hold office: not all Englishmen had such privileges at home. *It meant such rights as jury trial, habeas-corpus privileges, and free speech*, — so far as those rights were then understood in England.

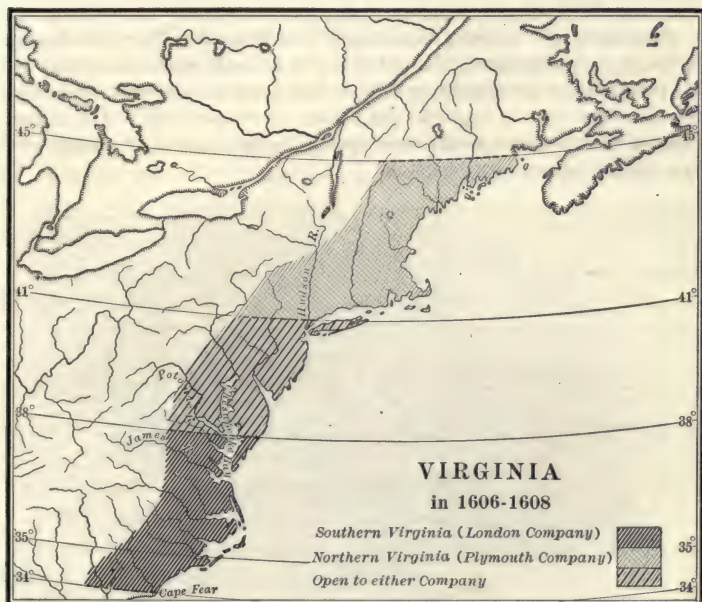
*Government.* In England there was to be a Council for the double company, with general oversight. In each colony there was to be a lower Council *appointed by that higher Council*. These local Councils were to govern the settlers according to laws *to be drawn up by the King*.

The Instructions drawn up by James before the first expedition sailed (*Source Book*, No. 17), provided that death or mutilation could be inflicted upon no offender *until after conviction by a jury*, and for only a small number of crimes, for that day; but the appointed Council were to punish minor offenses (such as idling and drunkenness) *at their discretion*, by whipping or imprisonment. This authority seems extreme to us, but it was much like that possessed then by the justices of an English county.

26. This plan of government proved a poor one. In England it was *partly royal and partly proprietary*, without a clear division between authorities. In the colonies there was no single governor, but an unwieldy committee. No other English colonial charter was so imperfect an instrument of government; but, under this crude grant, was founded the first permanent English colony. In 1607, the Plymouth Company made a fruitless attempt at settlement on the coast of Maine (§ 58), and then remained inactive for twelve years. But in December of 1606 the London Company sent out, in three small vessels, a more successful expedition to "southern Virginia."

The 104 colonists reached the Chesapeake in the spring of 1607, and planted **Jamestown** on the banks of a pleasant river flowing into the south side of the Bay. To avoid Spanish attack from the sea, they chose a site some thirty miles up the stream. For some years this was the only regular settlement.

**27.** The colony was a great "plantation." The company of stockholders in England were proprietors. They directed the enterprise, selected settlers, appointed officers, furnished transportation and supplies and capital. The colonists were employees and servants. They did the work,—cleared forests, built rude forts and towns, and raised crops,—facing disease,



famine, and savage warfare. The managing Council at Jamestown were not so much political rulers as *industrial overseers*. Their task was a kind of housekeeping on a large scale.

The products of the settlers' labor went into a common stock. Lumber, sassafras, dyestuffs, were shipped to the Company to help meet expenses. Grain was kept in colonial store houses, to be guarded and distributed by a public official. Here, too, were kept the supplies from England,—medicines,

clothing, furniture, tools, arms and ammunition, seeds, stock of all kinds for breeding, and such articles of food as meal, bread, butter, cheese, salt, meat, and preserved fruits. For many years the existence of the colony depended on the prompt arrival, every few months, of a "supply"; and the colonists measured time by dating from "the First Supply," or "the Third Supply."

*The system of "industry in common" has frequently been called an experiment in communism. In reality it was no more communism than was a Virginia slave plantation in 1850. The London Company would have been the last men to approve any theory of communism. The common industry and undivided profits were simply clumsy features of management by a distant proprietary company.*



JAMESTOWN IN 1622. From a Dutch print of 1707, based on an old sketch.

**28.** The location of Jamestown was low and unhealthy; the committee government was not suited to vigorous action; and only the stern school of experience could teach men in that day how to colonize an unknown continent. **The early years were a time of cruel suffering.** *The first summer saw two thirds of the settlers perish, while most of the rest were helpless with fever much of the time. Said one of them:—*

“Our men were destroyed by cruell diseases . . . and by warres ; and some departed suddenly, but for the most part they died of meere famine. There were never Englishmen left in a forreigne Country in such miserie as wee were . . . Our feed was but a small can of Barlie, sod in Water, to five men a day ; our drinke, cold Water taken out of the River, which was at flood verie Salt, at a low tide full of slime and filth . . . Thus we lived for the space of five months in this miserable distresse, not having five able men to man our Bulwarkes . . . our men night and day groaning in every corner of the Fort most pittiful to heare . . . some departing out of the World, many times three or four in a night, in the morning their bodies trailed out of their Cabines, like Dogges, to be burried.” (See *Source Book* for more of Captâin Percy’s *Discourse*.)

The First Supply, in the fall of 1607, found only 38 survivors at Jamestown. Nor was this suffering then at an end. *For 20 years each new immigration lost, on an average, half its members the first season.*

**29. From one peril the colony was saved by its very misery.** *Spain watched jealousy this intrusion into a region which she claimed as her own, and the government contemplated an attack upon Jamestown. In particular, the Spanish ambassador at London urged his king repeatedly to have “those insolent people in Virginia annihilated.” “It will be serving God,” he wrote, “to drive these villains out and hang them.” But the Spanish spies in the colony reported that it must fall of itself ; and the dilatory Spanish government, already slipping into decay and unwilling needlessly to make King James an enemy, failed to act (Source Book, No. 22).*

**30. The most interesting figure during the first three years was the burly, bustling, bragging, efficient Captain John Smith.** Smith finally became President of the ineffective Council. Then he quickly usurped all the power of government, and his beneficent tyranny saved the colony from ruin. In 1609, however, he was injured by an explosion of gunpowder, and went back to England.

**31. The next winter was “The Starving Time.”** A special effort had been made, the summer before, to reinforce the colony ; and in the fall the number of settlers had risen to more

than three hundred. Spring found only sixty gaunt survivors. These had embarked to abandon the colony, with slight chance of life whether they went or stayed, when they met Lord Dela-



CAPTAIN JOHN SMITH. From the wood-cut by Smith in the corner of his map of New England [§ 58] in his *Generall Historie*. Smith's rhyming inscription below the picture refers to his "deeds more fair" than his face.

ware, the new governor, with a fleet bringing reinforcements and supplies. Had Delaware been later by three days, Jamestown would have been another failure, to count with Raleigh's at Roanoke.

32. Meantime, the year 1609 had seen a remarkable outburst of enthusiasm in England in behalf of the sinking colony. Sermons and pamphlets appealed to the patriotism of the nation not to let this new England perish. The list of the Company's stockholders was greatly multiplied, and came to include the most famous names in England, along with good men from all

classes of society;<sup>1</sup> and this enlarged London Company received enlarged powers through **two new charters in 1609 and 1612**. *Three things* were accomplished by these grants:—

*The territory of the Company was extended.* It was made to reach along the coast each way 200 miles from Point Comfort, and "up into the land throughout from sea to sea, *west and northwest.*"

<sup>1</sup> See note in *Source Book* to No. 20. Each of the 650 subscribers bought from one to ten shares of stock, at £12 10 s. a share, or about \$ 400 a share in our values. (Cf. § 18, note, on the value of money.)

The map shows two possible interpretations of this clumsy "northwest" phrase. The Virginians themselves had no trouble in deciding which to insist upon. Probably the words "west and northwest" were used vaguely, with the meaning, "toward the western ocean," which was supposed to lie rather to the northwest.

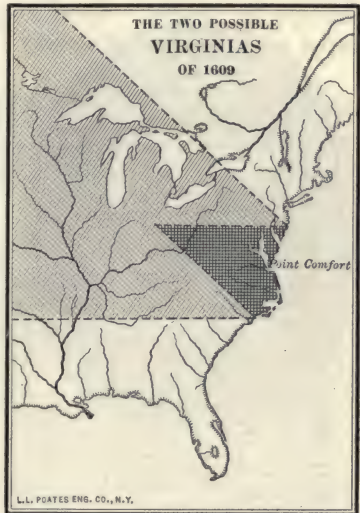
*The authority before kept by the king was now turned over to the Company; and that body received a democratic organization. It was to elect its own "Treasurer" and Council (President and Directors, in modern phrase), and to rule the colony in all respects.*

*A more efficient government was provided in the colony.*

There was no hint yet of *self-government*. The Company in England made all laws and appointed all officers for the colony. But the inefficient plural head in the colony, with its divisions and jealousies, was replaced by one "principal governor" with a Council to assist him.

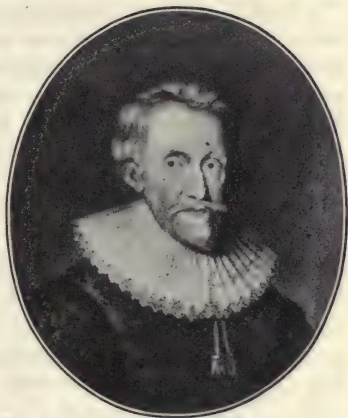
**33. Virginia had left anarchy behind, but she had not reached liberty.** The Company continued the "plantation" plan; and from 1611 to 1616, its chief officer in Virginia was *Sir Thomas Dale*. This stern soldier put in force a military government, with a savage set of laws known as Dale's Code.

Among other provisions, these laws compelled attendance at divine worship *daily*, under penalty of six months in the galleys, and on Sundays *on pain of death* for repeated absence. Death was the penalty also for repeated blasphemy, for "speaking evil of any known article of the Christian faith," *for refusing to answer the catechism of a clergyman*, and for neglecting work. The military courts, too, made use of ingeniously atrocious





**34.** A revolution now took place in the London Company. That body had split into factions. The part so far in control was conservative, and belonged to the "court party" in English politics;<sup>1</sup> but toward the close of 1618, control passed to a liberal and Puritan faction, led by the *Earl of Southampton* and *Sir Edwin Sandys*. These patriots were struggling gallantly in parliament against King James' arbitrary rule; and they at once granted a large measure of self-government to the Englishmen across the Atlantic, over whom they themselves ruled. Sir George Yeardley was sent out as governor, and a new era began in Virginia.



SIR EDWIN SANDYS.

**35.** With Yeardley's arrival, in April, 1619, the number of colonists was raised to about a thousand. They were still, mainly, indentured servants (§ 24), and were distributed among eleven petty "plantations,"<sup>2</sup>—mere patches on the wilderness,—scattered along a narrow ribbon of territory, nowhere



THE DOTS MARK THE RIBBON OF SETTLEMENT IN 1624.

more than six miles wide, curving up the James for a hundred miles. Industry was still in common (except for the slight beginning of private tillage under Dale); and martial law was still the prevailing government.

**36.** According to his instructions from the Company, Yeardley at once introduced three great reforms.

<sup>1</sup> *Modern World*, § 426 note.

<sup>2</sup> The word "plantation," as used here to indicate a distinct settlement, must not be confused with the word as used in § 27.

a. He established *private ownership*, giving liberal grants of land to all *free* immigrants.

A large part of the settlers continued for some time to be "servants" of the Company, and these were employed as before on the Company's land. But each of the old free planters now received 100 acres; *each servant was given the same amount when his term of service expired*; and each new planter thereafter was to receive 50 acres for himself and as much more for each servant he brought with him. Grants of many hundred acres were made, too, to men who rendered valuable service to the colony. For many years, *all grants were in strips fronting on rivers up which ships could ascend*.

b. *Martial law was set aside*. Yeardley proclaimed, said a body of settlers later, "that those cruell lawes by which we had soe longe been governed were abrogated, and that we were now to be governed by those free lawes which his Majesties subjects live under in Englande." That is, Yeardley *restored the private rights* to which the settlers were entitled both by the Common Law and by the Company's charter.

c. *The settlers received a share in the government*. A Representative Assembly was summoned, "freely to be elected by the inhabitants, . . . to make and ordaine whatsoever lawes and orders should by them be thought good and profitable." This *political privilege* was a new thing.

**37. The First Representative Assembly**<sup>1</sup> in America met at Jamestown, August 9,<sup>2</sup> 1619. It was not *purely* representative. Each of the eleven plantations sent two delegates; but *in the same "House"* with these *elected* "Burgesses" sat the governor and his Council (seven or eight in number), *appointed* from England.

We have no account of the elections. No doubt they were extremely informal. Of the thousand people in the colony, seven hundred must have been "servants" without a vote; and, of the three hundred free persons, a fraction were women and children. Probably there were not more than two hundred voters. They were distributed among eleven

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<sup>1</sup> The Records are given in the *Source Book*, No. 25.

<sup>2</sup> The Old Style date, July 30, is often given. A discussion of Old and New Style is given in the *Source Book*, No. 20, note.

plantations. In some of these, the only voters must have been the foreman and employees of a rich proprietor.

The Assembly opened with prayer, and slipped with amazing ease into the forms of an English parliament. It "verified credentials" of the delegates; it gave all bills "three readings"; and, in two cases, it acted as a court of justice, trying ordinary criminals. Laws which to-day would be stigmatized as "Blue Laws" were passed against drunkenness, gambling, idleness, absence from church, "excess in apparel," and other misdemeanors. For that age, the penalties were light. The Church of England was made the established church; and aid was asked from the Company toward setting up a college. With all this business, the Assembly sat only six days.

This beginning of representative government in the wilderness has a simple grandeur and a striking significance. Virginia had been transformed from a "plantation colony," ruled by a despotic overseer, into a *self-governing political community*. The pioneers manifested an instinct and fitness for representative government, a zest for it, and a deep sense of its value. *It came as a gift; but, once given, it could not be withdrawn.*

Jury trial and representative government were both established upon a lasting foundation in America in 1619, *while Virginia was the only English colony*. These two bulwarks of freedom were not then known in any large country except in England; and they were not to take root in the colonies of any other country until more than two hundred years later. *Their establishment in Virginia made them inevitable in all other English colonies.*

**38.** Two charters to the settlers established still more firmly the grant of self-government. Yeardley put before the Assembly a long document from the Company. The Assembly called it a "Great Charter," and examined it carefully, "because [it] is to binde us and our heyers forever." This "*charter of 1618*" has been lost, but the Assembly's Records show that it guaranteed a representative Assembly. Two years later, *Francis Wyatt* became governor, and the Company sent over by him a brief confirmation of the right of representative government in a second "charter," known as the *Ordinance of 1621* (*Source Book*).

These "charters" of 1618 and 1621 were wholly different from royal grants to proprietors in England. They were the first of many charters and "concessions" issued by the proprietors of various colonies to settlers in America, in order to set up ideals of government or to attract settlers.

**39. The new management of the Company bestirred itself to build up the colony on the material side also.** To supply the labor so much needed, Sandys (the "Treasurer"; § 32) sought throughout England for skilled artisans and husbandmen, and shipped to Virginia many hundred "servants." Several cargoes of young women, too, were induced to go out for wives to the settlers; and supplies of all kinds were poured into the colony with a lavish hand.

*This generous paternalism was often unwise.* Effort and money were wasted in trying to produce glass, silk, and wine;<sup>1</sup> while the main industry that was to prove successful, *tobacco raising*, had to win its way against the Company's frowns. Moreover, pestilence and hardship continued to kill off a terrible proportion of the people. In the first three years after Yeardley's arrival, more than three thousand new settlers landed; but in March, 1622, of the population old and new, only some twelve hundred survived, and that spring an *Indian massacre* swept away a third of that little band.

**40. In spite of all this, Virginia became prosperous under the Company's rule.** Two years after the massacre, when the Company was overthrown (§ 43), the population had risen again to twelve hundred, and the number of settlements had become nineteen. The Indians had been crushed. Fortunes were being made in tobacco, and the homes of the colonists were taking on an air of comfort. *The period of experiment was past, and the era of rapid growth had just been reached.* During the following ten years (1624-1634) the population grew fourfold, to more than 5000 people, organized in eight counties.

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<sup>1</sup> Englishmen valued colonies, on the economic side, mainly on the ground that they might furnish England with those products which she had been compelled to buy from foreigners.

41. Tobacco *for export* was first grown in 1614, on the plantation of John Rolfe who had married the Indian girl Pocahontas. The Company always discouraged its cultivation — on moral<sup>1</sup> as well as business grounds — and even later King



## A COUNTERBLASTE TO TOBACCO.



That the manifold abuses of this vile custome of *Tobacco* taking, may the better be espied, it is fit, that first you enter into consideration both of the first originall thereof, and likewise of the reasons of the first entry thereof into this Countrey. For certainly as such customes, that haue their first institution either from a godly, necessary, or honourable ground, and are first brought in, by the meanes of some worthy, vertuous, and great Personage, are euer, and most iustly, holden in great and reuerent estimation and account, by all wise, vertuous, and temperate spirits: So should it by the contrary, iustly bring a great disgrace into that sort of cu-

BEGINNING OF KING JAMES' TRACT AGAINST TOBACCO. Facsimile from the *Complete Works of James I*, published in London in 1616.

Charles warned the Virginians not to "build on smoke." Tobacco, however, found a steady sale in Europe at high prices; and before 1624 Virginians knew they had found a paying industry. Thereafter the colony needed no coddling.

42. Meanwhile King James became bitterly hostile to the liberal management of the Company. Sandys was particularly

<sup>1</sup> Smoking was long looked upon much as drunkenness is now. King James wrote a tract against the practice,

obnoxious. He was prominent in parliament in opposing the King's arbitrary policy, and was reported to be "the king's greatest enemye." More than once he had been committed to custody by royal order. An envious business associate testified that "there was not any man in the world that carried a more malicious heart to the government of a Monarchie than Sir Edwin Sandys did," and that Sandys had said repeatedly that he "aymed . . . to make a free popular state there [in Virginia] in which the people should have noe government putt upon them but by their owne consents."

When Sandys' term expired, in 1620, the King sent to the "General Court" of the Company the names of four men from whom he ordered them to elect a new Treasurer. The Company (some hundreds of the best gentlemen of England present) remonstrated firmly against this interference with the freedom of election guaranteed by their charter; and James yielded, exclaiming petulantly, "Choose the Devil, an ye will; only not Sir Edwin Sandys!" Sandys then withdrew his name; and the Company sent a committee to his friend, the Earl of Southampton — who was little more to the royal taste — to inquire whether he would accept the office. "I know the King will be angry," said the Earl to his friends, "but, so this pious and . . . glorious work be encouraged, let the Company do with me as they think good." Then, "surceasing the ballot," the meeting elected him "with much joy and applause, by erection of hands."<sup>1</sup> *Sandys was chosen Deputy Treasurer* and remained the real manager.

When Southampton's second term expired (1622), James again sent to the Court of Election five names. It would be pleasing to him, he said, if the Company would choose a new Treasurer from the list; but this time he carefully disclaimed

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<sup>1</sup> Southampton was the liberal leader in the House of Lords. He had been a friend and patron of Shakspeare. These spicy anecdotes of the election come from the private papers of the Ferrars brothers, who were high officials in the Company. The *official* records are in the *Source Book*, No. 20. There the language is more courtly, but the spirit is equally definite.

any wish to infringe their "liberty of free election." The Company reelected Southampton by 117 ballots, to a total of 20 for the King's nominees. Then they sent a committee to thank James "with great reverence" for his "gracious remembrance" and for his "regard for their liberty of election!" It is reported that the King "flung away in a furious passion." Small wonder that he listened to the sly slur of the Spanish ambassador who called the London Company's General Court "the seminary for a seditious parliament."

**43.** Since James could not secure control of the Company, he decided to overthrow it. A revival of the old factions within it, and the Indian massacre of 1622 in Virginia, furnished a pretext. James sent commissioners to the colony, to gather further information unfavorable to the Company's rule; but the Virginians supported the Company ardently and made petition after petition to the King in its favor. The Company made a strong defense. The charter could be revoked only by a legal judgment. But just at this time the English courts were basely subservient to the monarch,<sup>1</sup> and, in 1624, the King's lawyers secured judgment that the charter was void. Thus ended the London Company, — "the greatest and noblest association ever organized by the English people."

**EXERCISE.** — Note a passage in this chapter that contains evidence that voting *by ballot* was usual with the London Company. (Further proof may be found in the *Source Book*, No. 23.) Note the two distinct periods in the history of the Company, and the character of its rule in Virginia in each period. Compare the meanings of "Virginia" on maps on pages 24 and 29. Suggestions for library work will be found at the close of chapter v.

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<sup>1</sup> Sir Edward Coke, the great Chief Justice, had been dismissed from office by James for refusing to degrade his position by consulting the King's will in his decisions. Such interference with the courts was a new thing in England, and was never to recur after the Stuart reigns.

## CHAPTER V

### VIRGINIA SAVES HER ASSEMBLY

1624-1660

*It is to the self-government of England, and to no lesser cause, that we are to look for the secret of that boundless vitality which has given to men of English speech the uttermost parts of the earth as an inheritance.*

—JOHN FISKE.

**44. Virginia had become a royal province.** To the people this meant three things.

a. Land titles from the Company to settlers held good. *But all the territory still owned by the Company at its fall became crown land again.* Thereafter, royal governors made grants from it to settlers much as the Company had done.

Virginia afterwards frequently claimed its "ancient bounds" as described in the charter of 1609 (§ 32). That grant, however, was not made to the *colony*. The King was undoubtedly within his rights when he soon gave part of the old grant to Lord Baltimore for the colony of Maryland.

b. *The colony now had to support itself.* In fifteen years the London Company had spent five million dollars on it — without return to the stockholders; and most settlers believed the colony must sink unless such fostering continued. In the next four years the colonists sent four petitions to the King for aid. One of them runs, in part:—

"The ground work of all is that there must bee a sufficient publique stock to goe through with soe greate a worke; which we can not compute to bee lesse than £20,000 a yeare. . . . For by it must be mainetayned the Governor and his Counsell and other officers here, the forest wonne and stocked with cattle, fortifications rayseed, an army mainetayned, discoveries mayde by Sea and land, and all other things requisite in soe mainefold a business."

But the King was quarreling with parliament about money enough to run the government at home, and he paid no attention to such prayers. This was fortunate. The colony found that it could walk alone.

*c. Political control over the colonists was now in the King's hands.* And, as the colonists feared that the King would help too little, so, with more reason, they feared that he would govern too much.

**45. The Virginians were determined to save their Representative Assembly.** As soon as it became plain that the Company was to be overthrown, **in the spring of 1624**, a body of leading settlers sent to the King an address in which they

"humbly entreat . . . that the Governors [to be appointed by the king] may not have absolute authority, . . . [and] above all . . . that we may retayne the Libertie of our General Assemblie, than which nothing can more conduce to our satisfaction or the public utilitie."

At the same time the Assembly itself solemnly put on record its claim to control taxation, in a memorable enactment:—

*"That the Governor shall lay no taxes or ympositions upon the colony, its lands or goods, other way than by the authority of the General Assembly, to be levied and ymployed as the said Assembly shall appoynt."* **This was the first assertion on this continent of the English principle, "No taxation without representation."**

That same summer, however, King James began his control by reappointing the old governor and Council in Virginia and giving them full authority to rule the colony. The instructions to these officers made *no mention of an Assembly*. Nor was an Assembly mentioned by the new King, Charles I, the next year, when he appointed a new governor in Virginia. Indeed no Assembly met for five years (1624–1628).

Still the colonists kept asking for one; and in 1625 they sent Yeardley to England to present their desires. Yeardley told the royal council that only the grant of an Assembly could allay the universal distrust in Virginia, where "the people,

... justly fearing to fall into former miseries, *resolve rather to seek the farthest parts of the World.*"

Neither this threat nor other petitions met with any direct answer. But, in 1628, Charles did order the governor to call



CHARLES I. From a portrait by Van Dyck.

an Assembly, because he hoped, vainly, to persuade it to grant him a monopoly of the profitable tobacco trade. Soon after, Charles appointed *Sir John Harvey* governor. Harvey belonged to the court faction in England, and had been one of the royal commissioners sent to Virginia in 1623. Apparently he had learned there that it would not be wise to try to rule the colony without an Assembly. His commission from Charles made no mention of one; but, in 1629, before leaving England, he drew up for the King's

consideration a list of seven "Propositions touching Virginia." *One of these propositions asked for a representative Assembly as part of the government.*

The King seems to have been influenced by this request from the courtier-governor more than by the petitions of the colony. He was just entering upon his eleven-year period of "No Parliament" in England,<sup>1</sup> but, in his answer to Harvey, he *approved an Assembly for Virginia.*<sup>2</sup>

With this sanction, the Assembly continued regularly; and formal *directions to call Assemblies* became a part of each future governor's instructions.

The change from a proprietary colony to a royal colony, then, did not make political liberty less. King James did plan a despotic government; but he died in a few months after the change, before he had time to complete the "new constitution" that he was drawing up for Virginia. And

<sup>1</sup> *Modern World*, § 435.

<sup>2</sup> *Source Book*, No. 32.

Charles I found himself at once so involved in quarrels at home and abroad that he had little time to give to a distant colony. Thus Virginia was left to develop with less interference than it would have had from the most liberal proprietary company.

The London Company had planted constitutional liberty in America ; the settlers clung to it devotedly ; and the careless royal government found it easier to use the institution than to uproot it.

**46. The Virginians had dreaded Harvey's coming.** Despite his "proposition" for an Assembly, he was known as a supporter of arbitrary rule. And so, soon after his arrival, *the Assembly of 1632 reënacted, word for word, the great law of 1624 regarding representation and taxation.*

Harvey clashed continually with the settlers, and complained bitterly to the authorities in England about the "self-willed government" in Virginia. Finally, he tried to arrest some of his Council for "treason." Instead, the Council and Assembly "thrust him out of his government," sent him prisoner to England, and chose a new governor in his place. This was "the mutiny of 1635." Two years later, the King restored Harvey for a time ; but replaced him, in 1639, by the liberal *Wyatt*.

**47. In 1641 Sir William Berkeley was sent over as governor.** He had been an ardent royalist in England ; so his first Assembly enacted verbatim, *for the third time*, the law of 1624 regarding taxation. He ruled, however, with much moderation, keeping in touch with the Assembly and showing no promise of the tyranny which was to mark his second governorship after the Restoration (§§ 156 ff.).

**48. In 1649, after the English Civil War, the home country for a time became a republican "Commonwealth."** Parliament sent commissioners to America to secure the obedience of the colonies. Berkeley wished to resist these officers, but the Assembly quietly set him aside and made terms (*Source Book*, No. 34). The government was reorganized so as to put more power into the hands of the Burgesses, because parliament could trust them better than it could the more aristocratic elements. Each year a House of Burgesses was to be chosen as

formerly, but this body was now *to elect the governor and Council*. During the next nine years (1652-1660), Virginia was almost an independent and democratic state.

49. This democratic self-government was vigorously maintained. On one occasion (1657), a dispute arose between the Burgesses and the governor. Governor Matthews and the Council then declared the Assembly dissolved (as a royal governor would have done). The Burgesses held that the governor, *having been made by them*, could not unmake them, and that "we are not dissoluable by any power yet extant in Virginia but our owne." Matthews threatened to refer the matter to England. *The Burgesses then deposed him*, and proceeded to reelect him *upon condition* that he acknowledge their supreme authority.

In March, 1660, Governor Matthews died. Charles II had just returned to the throne in England. The Assembly wished to conciliate Charles, and so it chose Berkeley governor again. But it also made an attempt to save Commonwealth liberties by enacting that Berkeley

"governe according to the ancient lawes of England and the established lawes of this country, and . . . that once in two years at least he call a Grand Assembly, and that he do not dissolve this Assembly without the consente of the major part of the House."

The failure of this attempt to restrict the new governor belongs to a later chapter.

FOR FURTHER READING. — This text-book can be used, like others of its kind, with the usual amount of supplementary reading from standard "secondary" works. The author has planned, however, for *Part I* to be accompanied instead by a rather full study of illustrative "sources" which he has collected for the purpose in a *Source Book*. Nos. 1-35 may be used to advantage with this chapter. Frequent suggestions for the use of the more important documents in that volume are given in this book. The teacher will find many other ways to relate the sources to the narrative. It is well to ask a student to find *in a given document* some important fact which is not mentioned in this text-book but which might well be mentioned. In particular, it is a good exercise to set a

student to find in a given "source" the authority for some statement in the text, or to find a possible basis for deciding between two conflicting authorities.

For the class which does not use the *Source Book*, the following bibliography is suggested in connection with early Virginia.

Eggleston, *Beginners of a Nation*, 1-97 (charming and scholarly); Fiske, *Old Virginia and her Neighbors*, I, 1-224; Channing, *History of the United States*, I, 115-241; Becker, *Beginnings of the American People*, 37-70.

In fiction, mention may be made, for this period, of Mary Johnston's *To Have and to Hold* and Eggleston's *Pocahontas and Powhatan*. Kingsley's *Westward Ho* pictures the rivalry between England and Spain in the Old World and the New.

#### SUGGESTIONS AND QUESTIONS FOR STUDY AND REVIEW

1. Quote from memory three or four memorable sentences or phrases (such as the quotation at the head of chapter iii and that in § 33).

2. Make a syllabus for Virginia to 1660.

3. Let each student present a list of twelve or fifteen questions for the others to answer, — the instructor criticizing when necessary.

4. *Sample Questions*. — (1) Who chose the chief executive in Virginia in 1607? In 1611? In 1620? In 1625? In 1655? (2) Distinguish between the Virginia General Assembly and the Virginia Company's Great and General Court, as to place, composition, and powers. (3) Did any of the royal charters to the Virginia Company suggest self-government for the settlers? Justify the answer. (4) When and why did the Ordinance of 1621 cease to be valid? (5) Distinguish two stages in the attack of King James upon the liberal London Company. (6) Who had authority to make laws for the Virginians in 1608? In 1610? In 1616? In 1621? In 1631? (7) What facts about the colony in this period, not referred to in the text above, can you find in the *Source Book*? Do you learn anything from the story of Gilbert (§ 20) about European familiarity with the North Atlantic coast of America?

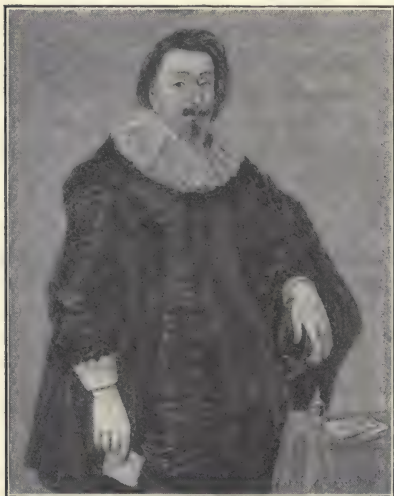
(Students should be trained to answer briefly but inclusively. For the fifth question, some such answer as the following should be required: First he tried in vain to secure control of the Company by dominating its elections in 1620 and 1622; then, he secured its overthrow through a decree of his subservient courts against the validity of the Company's charter, in 1624.)

## CHAPTER VI

### MARYLAND<sup>1</sup>: A PROPRIETARY PROVINCE

*Among the people of Lord Baltimore's colony, as among English-speaking people in general, one might observe a fierce spirit of political liberty coupled with an ingrained respect for law. — FISKE, Old Virginia.*

50. For Maryland, the plan of colonization was much like that of Raleigh's day. George Calvert, a high-minded gentleman,



GEORGE CALVERT, FIRST LORD BALTIMORE. After a portrait by Mytens, court painter to James I, in the gallery of the Earl of Verulam, Glastonbury.

had been interested for many years in the expansion of England. He was a member of the London Company and of the New England Council (§ 58); and finally he took upon his own shoulders a separate attempt to build a colony.

In 1623, Calvert secured a charter from King James for a vast tract in Newfoundland, with authority to rule settlers there; and to this Province of *Avalon* he sent out several bodies of colonists. Just after receiving the grant, Calvert became a

Catholic, though that religion was then persecuted sternly in England. Until this time his life had been spent mainly

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<sup>1</sup> From 1607 to 1620 Virginia was the only English colony on the continent. Then came the beginnings of New England; but for some time more the two

in the service of the government; but now he had to withdraw from office. To reward his past services, the King made him Baron of Baltimore, and the new peer then spent some years in his colony — only to learn by bitter experience that he had been misled cruelly as to its climate and wealth.<sup>1</sup>

Broken in health and fortune, Baltimore at last abandoned that harsh location, and petitioned King Charles for a more southerly province. Before the new grant was completed, he died; but in 1632 the Charter for Maryland was issued to his son. Two years later this second Lord Baltimore sent two hundred settlers to the colony.

**51. The charter of 1632 sanctioned representative self-government.** It put the head of the Baltimore family in the position, practically, of a *constitutional king* over the settlers: but his great authority was limited by one supreme provision, *not* found in the charter to Raleigh. *In raising taxes and making laws, the proprietor could act only with the advice and consent of an Assembly of the freemen<sup>2</sup> or of their representatives.*

This recognition of *political* rights for the settlers, in a *royal* charter, is an onward step in the history of liberty. The creation of the Virginia Assembly, and the devotion of the Virginians to it, had borne fruit. Between 1620 and 1630, it became a settled conviction for all Englishmen, at last even for the court circle, that colonization in America was possible only upon the basis of a large measure of self-government.

**52. The Assembly soon won unexpected power.** The proprietors did not live in the colony. They ruled it through governors, whom they appointed and dismissed at will, and to whom they delegated such authority as they chose. The governor was assisted by a small Council, also appointed by the proprietor. This proprietary machinery was intended to

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groups of colonies, north and south, were separated by vast stretches of wilderness. Maryland was Virginia's only neighbor in the first half century.

<sup>1</sup> See Baltimore's letter to King Charles in *Source Book*, No. 41. The name Avalon, with such terms as Bay of Flowers and Harbor of Heartsease, suggest rosy anticipations. Cf. § 2.

<sup>2</sup> In Maryland this term became equivalent to "landowners."

be the controlling part of the government. **But within twenty years Maryland grew into a democratic commonwealth**, with the Assembly for the center of authority. The most important steps in this transformation were taken in the first twenty years.

Lord Baltimore directed the first governor to call an Assembly, but authorized him to adjourn and dissolve it at will and to veto any of its acts. Baltimore himself reserved a further veto. Moreover, *he intended to keep for himself the sole right to initiate legislation*. He meant to draw up all laws in full, and to submit them to the Assembly — which might then approve them or reject them, but might not amend them. The charter, he pointed out, declared that *he* was to make laws “with the advice and consent” of the freemen. But this phrase was the same that English kings had used for centuries to express the division of power between themselves and parliament, although, meantime, parliament had come to be the real law-making power. Accordingly, the people of Maryland insisted upon taking the words in the sense which history had given them, rather than in their literal meaning.

The first Assembly (1635) passed a code of laws. Baltimore vetoed them all, on the ground that the Assembly had exceeded its authority. To the next Assembly (1638) Baltimore sent a carefully drawn body of laws. After full debate, these were rejected by unanimous vote of all the representatives. Then the Assembly passed a number of bills, several of them based upon those that had been presented by Baltimore; but all these fell before the proprietor's veto. In the following year, however, Baltimore wisely gave way, and soon ceased all attempts to introduce bills.

**53. Another contest concerned the *make-up* of the Assembly.** The first Assemblies were “primary” gatherings, to which all freemen might come; but to the spring Assembly of 1639 each “hundred” (the local unit in early Maryland) chose two delegates. Notwithstanding this, from one of the hundreds there appeared two other men claiming a right to sit as members because they “had not consented” to the election!

Stranger still, the absurd claim was allowed! But the same Assembly decreed that in future there should sit only (1) delegates duly chosen and (2) gentlemen summoned by the governor's personal writs. In 1641 a defeated candidate claimed a right to sit "in his own person," but this time the plea was promptly denied. **The Assembly had become representative.**

**54. The next step was for the Assembly to divide into two Houses.** At first the Council sat as part of the Assembly in one body with the freemen or their delegates. Moreover, the governor summoned other gentlemen, *as many as he pleased*, by personal writs, independent of election. These appointed members sympathized naturally with the proprietor and the governor, while the delegates sometimes stood for the interests of the settlers. As early as 1642 the differences between the two elements, appointed and elected, led the representatives to propose a division into two "Houses." The attempt failed because of the governor's veto; but the arrangement became law in 1650.<sup>1</sup>

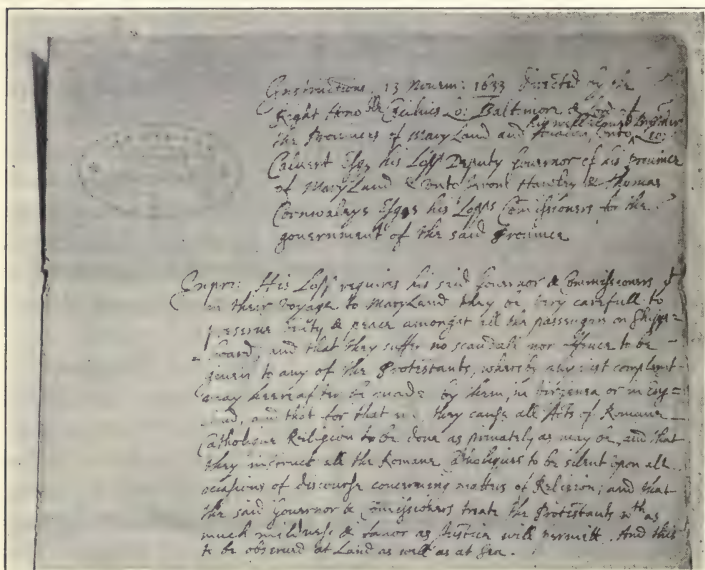
**55. Summary of Political Progress.** — Thus the *first generation* of Marylanders won from the proprietor important rights guaranteed to *him* by the charter. The form of the Assembly was no longer determined by him from time to time: it was fixed, to suit democratic desires, *by a law of the Assembly*; and the Assembly took from the governor all his law-making powers, except his veto.

The Assembly of 1642 attempted also to secure stated meetings, independent of a governor's call, and to do away with the governor's right to dissolve them. In form, these radical attempts failed; but in reality *the Assembly soon learned to control its own sittings*, except in extreme crises, through its power over taxation. It granted supplies only for a year at a time (so that it had to be called each year), and it deferred this vote of supplies until it was ready to adjourn.

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<sup>1</sup> The first colony to establish a two-House legislature was Massachusetts in 1644 (§ 102); but the first *attempt* came in Maryland.

**56. Maryland was also a religious experiment.** After George Calvert's conversion to Catholicism, he had a new motive for wishing to found a colony. He and his son wished to establish a refuge for their persecuted co-religionists. The charter, therefore, omits the usual reference to the oath of supremacy—which good Catholics could not take—and probably there



FACSIMILE OF INSTRUCTIONS FROM LORD BALTIMORE TO HIS BROTHER,  
LEO CALVERT, regarding the treatment of Protestants in Maryland.

was an *understanding* between King and proprietor that Catholics would not be molested. But Maryland was never a Catholic colony in the sense that the Catholics could have made their religion the state religion, or that they could have excluded other sects. The most that the devout, high-minded Baltimore could do for his fellow worshipers,—possibly all that he wished to do,—was to secure toleration for them by compelling them to tolerate others. From the first there were

many Protestants in the colony, possibly a majority. Baltimore's instructions to the governor of the first expedition enjoined him to permit "no scandal or offense" to be given to any of the Protestants.

When the Puritan Commonwealth was established in England, the Puritans in Maryland tried to win control in that province. Lord Baltimore then persuaded the Assembly to enact the *Toleration Act of 1649*. This great law, it is true, threatened death to all non-Christians (including Jews and any Unitarians of that day); but it provided that "no person . . . professing to believe in Jesus Christ, shall be in any wise molested or discountenanced for his or her religion."<sup>1</sup>

**57. At a later time the Catholics were persecuted cruelly in this colony that they had founded.** After the English Revolution of 1688, the Catholic Baltimore family was deprived of all political power; and, for a generation, Maryland became a royal province. In 1715 the Lord Baltimore of the day, having declared himself a convert to Protestantism, recovered his authority. Meantime the Episcopal Church had been established in Maryland and ferocious statutes,<sup>2</sup> like those then in force in England, had been enacted against Catholics, to blacken the law books through the rest of the colonial period.

**FOR FURTHER READING.** — The narrative is given admirably in Channing's *United States*, I, 241-271, or, more at length, in Fiske's *Old Virginia and Her Neighbors*, I, 255-318, II, 131-173. The Maryland Charter and comment on its model, the Avalon Charter of 1623, will be found in the *Source Book*.

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<sup>1</sup> See *Source Book*, No. 45, or cf. Fiske's *Old Virginia*, I, 309-311.

<sup>2</sup> See a brief statement in Fiske, *Old Virginia*, II, 167.

## CHAPTER VII

### THE BEGINNINGS OF NEW ENGLAND

*After all that can be said for material and intellectual advantages, it remains true that moral causes determine the greatness of nations; and no nation ever started on its career with a larger proportion of strong characters or a higher level of moral earnestness than the English colonies in America.*—LECKY, *England in the Eighteenth Century*, II, 2.

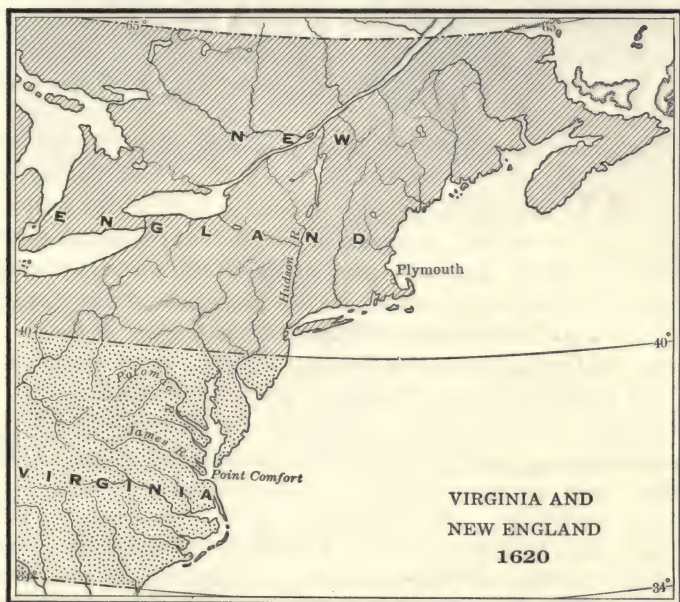
58. IN 1620, roused by the success of the London Company at Jamestown, some members of the Plymouth branch (§ 25) of the old Virginia Company reorganized as "**The Council resident in Plymouth . . .** for the planting of New England," and a royal charter gave this body powers similar to those of the London Company, with a grant of all North America between the fortieth parallel and the forty-eighth.<sup>1</sup>

This "New England Council" sent out no colonists. Instead, it sold or granted tracts of land, with various privileges, to adventurers who undertook to found settlements. One such charter it sold to agents representing the struggling Pilgrim colony, which, by accident, had been founded within the New England Council's territory (§ 64). Some small trading stations, also, were established under such grants; and in 1623 there came a more ambitious attempt. Robert Gorges, son of the most active member of the Plymouth Council, was granted lands near Boston harbor, with a charter empowering him to

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<sup>1</sup> The Company is styled sometimes *The Plymouth Council*, sometimes *The Council for New England*, or *The New England Council*. Six years earlier, Captain John Smith, then in the employ of gentlemen connected with the old Plymouth Company, had explored and mapped these northern coasts, and had given to the region the name of New England. The royal charter of 1620 officially adopted this name for the vast district previously known vaguely as "the northern parts of Virginia." Maps, pp. 51 and 25.

rule settlers "according to such lawes as shall be hereafter established by public authoritie of the state *assembled in Parliament in New England*" (cf. § 51). Gorges brought to Massachusetts Bay an excellent company, containing several



"gentlemen," two clergymen, and selected farmers and mechanics; but after one winter the colony broke up.

The New England Council had commissioned Gorges "General Governor" of all settlements in their vast territory. This caused the feeble Pilgrim colony at Plymouth to fear his coming and to exult at his going. The gentle Bradford, governor and historian of Plymouth, wrote with unusually grim humor that Gorges departed, "haveing scarce saluted the Cuntry of his Government, not finding the state of things hear to answer his qualitie."

59. The forces at work so far in settling New England (except for the Pilgrims at Plymouth) were mainly commercial.

But success in New England was to come from a new force just ready to take up the work of colonization.

**This force was Puritanism.** The "established" church in England was the Episcopalian. Within that church the dominant party had strong "High-church" leanings. This High-church party was ardently supported by the royal "head of the church,"—Elizabeth, James, Charles, in turn; but it was engaged in constant struggle with a large, aggressive Puritan element.

*Puritanism was much more than a religious sect.* It was an ardent aspiration for reform in many lines. In *politics*, it stood for an advance in popular rights; in *conduct*, for stricter and higher morality; in *theology*, for the stern doctrines of Calvinism, which appealed powerfully to the strongest souls of that age; in *church matters*, for an extension of the "reformation" that had cut off the English Church from Rome.

**60. Two groups of English Puritans** stood in sharp opposition to one another,—the influential "*Low-church*" *element within the church*, and the *despised Separatists outside of it*. The Low-churchmen had no wish to separate church and state. They wished one national church,—a Low-church church,—to which everybody within England should conform. They desired also to make the church a more far-reaching moral power. To that end they aimed *to introduce more preaching* into the service and *to simplify ceremonies*,—to do away with the surplice, with the ring in the marriage service, with the sign of the cross in baptism, and perhaps with the prayer-book. Most of them did not care to change radically the *government* of the English church, but some among them spoke with scant respect of bishops.

The Independents, or "Puritans of the Separation," believed that there should be *no* national church, but that religious societies should be wholly *separate* from the state. They wished each local religious organization a little democratic society *independent* in government even of other churches.



PILGRIMS GOING TO "MEETING." From the imaginative painting by Boughton.

## CHAPTER VIII

### THE PLYMOUTH PILGRIMS

*Next to the fugitives whom Moses led out of Egypt, the little shipload of outcasts who landed at Plymouth . . . are destined to influence the future of mankind.* — JAMES RUSSELL LOWELL.

*If Columbus discovered a new continent, the Pilgrims discovered the New World.* — GOLDWIN SMITH.

**61. The Pilgrims in Holland.** — To all other sects the Separatists seemed the most dangerous of radicals, — mere anarchists in religion. They had been persecuted savagely by Queen Elizabeth, and some of their societies had fled to Holland. In 1608, early in the reign of James, one of their few remaining churches — a little congregation from the village of Scrooby — managed to escape to that same land, "wher they heard was freedome of Religion for all men": —

" . . . a countrie wher they must learn a new language and get their livings they knew not how . . . not acquainted with trades or traffique, by which that countrie doth subsist, but . . . used to a plaine countrie life and the inocente trade of husbandrey."<sup>1</sup>

<sup>1</sup> William Bradford, in his *History of Plymouth Plantation*. The quoted passages in the following paragraphs upon Plymouth are from this source when no other authority is mentioned.

They first settled in Amsterdam, but had no sooner begun to feel safe in some measure, through toil and industry, from "the grime and grisly face of povertie coming upon them like an armed man," than it seemed needful to move again, this time to Leyden; and

"being now hear pitchet, they fell to such trades and imployments as they best could, valewing peace and their spirituall comforte above all other riches . . . injoyinge much sweete and delightfull societie . . . in the wayes of God" . . . but subject to such "greate labor and hard fare" that "many that desired to be with them . . . and to injoye the libertie of the gospell . . . chose the prisons in England rather than this libertie in Holland."

**62. After some twelve years in Holland, the Pilgrims decided to remove once more, to the wilds of North America.** Bradford gives three motives for this: (1) an easier livelihood, especially for their children; (2) the removal of their children from what they considered the loose morals of easy-going Dutch society; and (3) the preservation of their religious principles.

"Old age beganne to steale on many of them (and their greate and continuall labours . . . hastened it before the time). And many of their children that were of the best dispositions and gracious inclinations, having learnde to bear the yoake in their youth, and willing to bear parte of their parents burdens, were often times so oppressed with heavie labours that . . . their bodies . . . became decreped in their early youth, the vigour of nature being consumed in the very budd, as it were.

"But that which was . . . of all sorrows most heavie to be borne, — many of their children, by these occasions and the greate licentiousnes in that countrie, and the manifold temptations of the place, were drawn away . . . into extravagante and dangerous courses, tending to dissolutenes and the danger of their souls."

Winslow (another Pilgrim historian) puts emphasis on a fourth reason, — a patriotic desire to establish themselves under the English flag, — one of their chief griefs in Holland being that their children intermarried with the Dutch and were drawn away from their English tongue and manners.

Of these four motives, the religious one was beyond doubt the weightiest. In Holland, there was no growth for their

Society. It would die out, as the older members passed off the scene ; and with it would die their principles. But, if they established themselves in a New World, —

“a greate hope and inward zeall they had of laying some good foundation for the propagating and advancing the gospell of the kingdome of Christ in those remote parts of the world ; yea, *though they should be but even as stepping-stones unto others* for the performing of so greate a work.”

**63.** From the London Company the Pilgrims secured a **grant of land** and a charter ; and, by entering into partnership with another group of London merchants, they secured **the necessary money**.<sup>1</sup>

For many months, says Bradford, this opening business was “delayed by many rubbs ; for the Virginia Counsell was so disturbed with factions as no bussines could goe forward” (cf. § 34 and *Source Book*, No. 49). But when Sandys and the Puritan faction got control in that Company, the matter was quickly arranged, — the more quickly, perhaps, because Brewster, one of the Pilgrim leaders, had been a trusted steward of a manor belonging to the Sandys family.

The seventy “merchant adventurers” who furnished funds subscribed stock in £10 shares. Captain John Smith says that by 1623 they had advanced more than \$200,000 in modern values.<sup>2</sup> Each emigrant was counted as holding one share for “adventuring” himself. That is, *the emigrant and the capital that brought him to America went into equal partnership*. Each emigrant who furnished money or supplies was given more shares upon the same terms as the merchants. For seven years all wealth produced was to go into a common stock, but from that stock the colonists were to have “meate, drink, apparell, and

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<sup>1</sup> Influential friends of the enterprise urged King James to aid by granting to the proposed colony the privilege of its own form of worship. A formal promise of this kind was not secured ; but James allowed it to be understood that “he would connive at them . . . provided they carried themselves peaceably.”

<sup>2</sup> This is probably an overstatement. The articles of partnership may be found in the *Source Book*, No. 44.

all provisions." The partnership was then to be dissolved, each colonist and each merchant taking from the common property according to his shares of stock.

The arrangement was clumsy, because it involved a system of labor in common; but it was generous toward the settlers. Penniless immigrants to Virginia became "servants," as separate, helpless individuals, to work for seven years under overseers, and at the end of the time to receive merely their freedom and some wild land. The penniless Pilgrims were "servants" for a time, in a sense; but only as one large body, and to a company of which they themselves were part: *and their persons were controlled, and their labors directed, only by officers chosen by themselves from their own number.*

The settlers, it is true, felt aggrieved that the merchants did not grant them also for themselves one third of their time, together with the houses they might build and the land they might improve. But it is clear now that under such an arrangement the merchants would have lost their whole venture. *As it was, they made nothing.*

**64.** Two heart-breaking years dragged along in these negotiations with the Virginia Company and the London merchants; and **the season of 1620 was far wasted when** (September 16) **the *Mayflower* at last set sail.** Most of the congregation stayed at Leyden, with their aged pastor, John Robinson, to await the outcome of this first expedition, and only 102 of the more robust embarked for the venture.

They meant to settle "in the northern part of Virginia," — somewhere south of the Hudson. But the little vessel was tossed by the autumn storms until the captain lost his reckoning; and they made land, after ten weeks, on the bleak shore of New England, already in the clutch of winter (November 21). The tempestuous season, and the dangerous shoals off Cape Cod, made it unwise to continue the voyage. For some weeks they explored the coast in small boats, and **finally decided to make their home at a place which Smith's map (§ 58) had already christened Plymouth;** but it was not till the fourth day of

January<sup>1</sup> that they "beganne to erecte the first house, for commone use, to receive them and their goods."



THE MAYFLOWER IN PLYMOUTH HARBOR. From an imaginative painting by W. F. Halsall, in Pilgrim Hall, Plymouth.

**65. Meantime, they had adopted the Mayflower Compact.** The charter from the Virginia Company had provided that they should be governed by officers of their own choosing.<sup>2</sup> The grant, however, had no force outside Virginia; and "some of the strangers<sup>3</sup> among them let fall mutinous speeches," threatening to take advantage of this condition and "to use their own libertie." To prevent such anarchy, the Pilgrims, before landing, drew up and signed a "*Compact*," believing "that shuch an acte by them done . . . might be as firme as any patent."

This famous agreement has sometimes been called, carelessly, a *written constitution of an independent state*. This it is

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<sup>1</sup> These dates are New Style. Cf. § 37, note. Some common errors regarding the Pilgrim "landing" are criticized by Channing, I, 320.

<sup>2</sup> The exact contents of the charter are not known; but Robinson's farewell letter to the emigrants, when they were leaving Europe, refers to them as having "become a body politick . . . to have only for your gouvernors them which yourselves shall make choyse of" (*Source Book*, No. 45).

<sup>3</sup> Part of the expedition had joined it in England, without previous connection with the Leyden congregation. They had also a few "servants."

not. It does not hint at independence, but expresses lavish allegiance to the English crown. And it is not a constitution: it does not determine what officers there should be, nor how or

In y<sup>e</sup> name of god Amen. We whose names are underwritten, the loyal subjects of our dread soveraigne Lord King James by y<sup>e</sup> grace of god, of great Britaine, France, & Ireland King, defender of y<sup>e</sup> faith, &c.  
 Having undertaken, for y<sup>e</sup> glorie of god, and advancement of y<sup>e</sup> Christian <sup>faith</sup> and honour of our king & countrey, a voyage to plant y<sup>e</sup> first Colonie in y<sup>e</sup> Northward parts of Virginia. Do by these presents solemnly & mutually in y<sup>e</sup> presence of god, and one of another, Covenant, & combine our selves together into a Civill body politick, for <sup>our</sup> better ordering, & preservation & furtherance of y<sup>e</sup> ends aforesaid; and by vertue hereof to enacte, constitute, and frame such just & equal Lawes, ordinances, Acts, constitutions, & offices, from time to time, as shall be thought most meete & convenient for y<sup>e</sup> generall good of y<sup>e</sup> Colonie: unto which we promise all due submission and obedience. In witness whereof we have hereunder subscribed our names at Cap = Codd y<sup>e</sup> 11. of November, in y<sup>e</sup> year of y<sup>e</sup> raigne of our soveraigne Lord King James of England, France, & Ireland y<sup>e</sup> eighteenth and of Scotland y<sup>e</sup> fifth fourth An<sup>o</sup> Dom. 1620]

THE MAYFLOWER COMPACT. From the original manuscript of Bradford's *Plymouth Plantation*.

when they should be chosen, nor what powers they should have. It resembles the *preamble* to a constitution. The signers merely declare their intention (in the absence of established authority) to maintain order by upholding the will of the majority of their own company.<sup>1</sup>

The way in which the new government was put in action is told by Bradford in few words:—

“Then [as soon as the Compact had been signed, while still in the Mayflower cabin] they choose, or rather confirmed, Mr. John Carver their

<sup>1</sup> *Source Book*, No. 46. More truly regarded, the Compact is the first of a long series of similar agreements in America, in regions where settlement has for a time outrun government,—first, on the coast of Maine and New Hampshire, then in the woods of Kentucky and Tennessee, then on the prairies of Illinois and Iowa, and very recently in Western mining camps.

Gouvernor for that year. [Carver had probably been made governor before, under authority of the charter; such action would now need to be "confirmed."] And after they had provided a place for their goods . . . and begunne some small cottages, as time would admitte, they mette and consulted of lawes and orders."

**66. Expectations of quick-won wealth in America still dazzled men's minds.** In 1624 Captain John Smith wrote:—

"I promise no Mines of gold; yet, . . . New England hath yeelded already, by generall computation, £100,000 at least in the fisheries. Therefore, honourable countrymen, let not the meanness of the word *fish* distaste you, for it will afford as good gold as the Mines of Guiana, or Potassie, with less hazard and charge, and more certainty."

Individual traders, too, had sometimes made sudden fortunes in the fur trade. Accordingly, the Pilgrims expected to give most of their energies to these sources of magic riches. Pastor Robinson wrote, as late as June 14, 1620:—

"Let this spetially be borne in minde, that the greatest parte of the collonie is like to be employed constantly, not upon dressing ther peticuler lands and building houses, but upon fishing, trading, etc."

**67. Such delusions faded quickly before stern facts.** The first months, in particular, were a time of cruel hardship. Says Bradford,—

"Now, summer being done, all things stand upon them with a wether-beaten face; and the whole countrie, full of woods and thickets, represented a wild and savage hiew. . . . In 2 or 3 months time, halfe their company dyed . . . wanting houses and other comforts; [and of the rest] in the time of most distres, ther was but 6 or 7 sound persons" to care for all the sick and dying.

Of the eighteen married women who landed in January, May found living only four. The settlement escaped the tomahawk that first terrible winter only because a plague (probably the smallpox, caught from some trading vessel) had destroyed the Indians in the neighborhood. But when spring came and the *Mayflower* sailed for England, not one person of the steadfast colony went with her. In Holland they had carefully pondered the dangers that might assail them, and had highly

concluded "that all greate and honorable actions must be enterprised and overcome with answerable courages."

For many years more the settlement had a stern struggle for bare life. For the fur trade, of course, the inexperienced



EDWARD WINSLOW when six years old.

From a miniature painted in 1602, now in the possession of the Rev. William C. Winslow of Boston. Winslow is the only Pilgrim of whom we have an authentic likeness. Except for Standish he is probably the only one who in England could rank as a "gentleman," though Brewster approached that standing.

Pilgrims were wholly unfit; and, in any case, to set up a permanent colony, with women and children, called pressingly for attention to raising food and building homes.

The "supplies" expected from the London partners came, from year to year, in too meager measure to care even for the new immigrants who appeared along with them; and the crops of European grains failed season after season. Fortunately, during the first winter, the colonists found a supply of Indian corn for seed, and a friendly native to teach them how to culti-

vate it; and the old cornfields of the abandoned Indian villages saved them the formidable labor of clearing away the forest. The slow progress, even then, toward a secure supply of food is shown vividly in a letter from Edward Winslow at the end of the first year (*Source Book*, No. 48 a):—

"We have built seven dwelling houses, and four for the use of the plantation [for *common* use, that is, as storehouses, etc.], and have made preparation for divers others. We set, the last spring, some twenty acres of Indian corn, and sowed some six acres of barley and pease. . . . God be praised, we had good increase of [the] Indian corn, and of our barley,

*indifferent* good, but our pease *not worth the gathering*." [Winslow explains this failure of the European seed by the colonists' ignorance of the seasons in America.]

In the first year, then, the settlers had built only eleven rude cabins and had brought only 26 acres of land into cultivation. Winslow was writing to a friend in England who expected soon to join the colony. The following advice in the same letter suggests forcefully some features of life in the new settlement:—

"Bring every man a musket. . . . Let it be long in the barrel, and fear not the weight of it; for most of our shooting is from stands [rests]. If you bring anything for comfort [that is, anything more than bare necessities], butter or sallet oil . . . [is] very good. . . . *Bring paper and linseed oile for your windows*, and cotton yarn for your lamps [for wicks]."

68. For long the governor's most important duty was to direct the work in the fields—where he toiled, too, with his own hands, along with all the men and the larger boys. But even among these "sober and godly men" **the system of industry in common proved a hindrance:—**

"For this communitie was found to breed much confusion and discontente, and retard much imployment that would have been to their benefite and comforte. For the yung-men, that were most able and fitte, . . . did repine that they should spend their time and strength to worke for other mens wives and children. . . . The aged and graver men, to be ranked and equalised in labours and victuals, cloaths, etc., with the younger and meaner sorte, thought it some indignitie and disrespect unto them. And for mens wives to be commanded to doe service for other men, as dressing their meate, washing their cloaths, etc., they deemed it a kind of slaverie; neither could many husbands well brooke it."

In the third year, famine seemed imminent. Then **Governor Bradford**, with the approval of the chief men of the colony, **set aside the agreement** with the London partners in this matter of common industry, and assigned to each family a parcel of land ("for the time only"<sup>1</sup>). "This," says Bradford, "had very good success,"—

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<sup>1</sup> This arrangement for individual labor and property applied only to the agricultural produce. Such trade and fishery as were carried on remained

“for it made all hands very industrious, so as much more corne was planted then other waise would have been, by any means the Governour or any other could use. . . . The women now wente willingly into the field, and tooke their litle-ons with them to set corne, which before would aledge weakness . . . whom to have compelled would have bene thought great tiranie.”

For other reasons, too, the danger of failure passed away. The Pilgrims were learning to use the opportunities about them. In 1627, when the partnership was to have expired, little had been done, it is true, toward repaying the London merchants. But the beginning of a promising fur trade had been secured; and Bradford, with seven other leading men, offered to assume the English debt if they might have control of this trade to raise the money. This arrangement was accepted by all parties.

It took Bradford fourteen years more to pay the merchants. But meantime the merchants *at once* surrendered their claim upon the colony; and the lands, houses, and cattle were promptly divided among the settlers for private property.

**69.** The political development of Plymouth may be summed up under four heads:—

(*The executive.*) Governor Carver died during the first spring. The next governor, William Bradford, was reelected year after year until his death, in 1657, except for five years when he absolutely refused to serve. Governor and several “Assistants,” to advise and aid him, were chosen anew each spring. Much was left to the discretion of the governor; but the Assembly could check him at any time.

*The Assembly* was the essential part of the government. For many years it was, in form, merely a town meeting, — a mass meeting of the voters of one small village. Soon after 1630, *other settlements* grew up in the colony, but even then the Assembly continued for a time to be a meeting of all male citizens, held in the oldest town. However, this clumsy and un-

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under common management; and even these parcels of land did not at this time become private property. Only their temporary use was given.

fair system could not last among Englishmen. In 1636 the three chief towns sent *representatives* to sit with the governor and assistants to revise and codify the laws. The same device was used the next year in assessing taxes among the towns. And in 1639 it was decided that thereafter the Assembly should be made up of such representatives, with the governor and assistants. There was never a division into two "Houses."

(*Local government.*) As other villages grew up about the original settlement at Plymouth town, their constables and other necessary officers were at first appointed by the central Assembly. But, soon after the central government became representative, the various settlements became "towns" in a political sense, with town meetings, and their own elected officers, after a method introduced just before in Massachusetts Bay (§ 92).

(*Franchise.*) The first voters were the forty-one<sup>1</sup> signers of the Mayflower Compact. They made up the original Assembly. Thereafter, the Assembly admitted to citizenship as it saw fit. For a time it gave the franchise to nearly all men who came to the colony. But in 1660 a law required that new voters must have a specified amount of property; and after 1671, the franchise was restricted further to those who could present "satisfactory" proof that they were "sober and peaceable" in conduct and "*orthodox in the fundamentals of religion.*" In practice, this limited the franchise to church members.

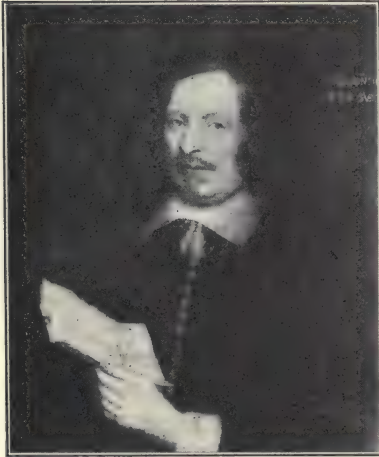
**70. Political democracy at Plymouth** was an outgrowth of economic and social democracy. There were no materials for anything else<sup>2</sup> but democracy. No one was rich, even by colo-

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<sup>1</sup> Out of sixty-six adult males. Of the twenty-five who did not sign (over a third of all), some were regarded as represented by fathers who did sign, and eleven were servants or temporary employees; but the absence of other names can be explained only on the ground that certain men did not wish to sign or that they were not asked to do so.

<sup>2</sup> Robinson, in a farewell letter (Pastor Robinson remained with the main congregation at Leyden) regards it a misfortune that the Pilgrims "are not furnished with any persons of special eminence above the rest, to be chosen into offices of government." Had such persons been present, public feeling,

nial standards ; and, more than in any other important colony, all the settlers came from the "plain people." Hardly any of them would have ranked as "gentlemen" in England. Brad-



GOVERNOR EDWARD WINSLOW at the age of 57. From a portrait (now in Pilgrim Hall, Plymouth) painted in England in 1653 while Winslow was detained there on a diplomatic mission, to arrange relations between Plymouth and the new Puritan Commonwealth. This was one of four such missions to England. Bradford was the administrative head of Plymouth ; Standish, its military chief ; Winslow, its statesman and man of affairs.

ford, there, would have remained a poor yeoman, and John Alden a cooper.

But, in even greater degree, democracy in politics at Plymouth resulted from democracy in the church, — and this ecclesiastical democracy *was* essential to the Pilgrim ideal. *Plymouth was, first, a religious society ; then, an economic enterprise ; and, last, and incidentally, a political commonwealth.*

**71.** Plymouth never secured a royal charter, and its government remained upon the basis of the Mayflower Compact until King William III annexed the colony to Massachusetts in 1691. Nor did the early settlers have legal title to their land. In 1630, however, the proprietary New

England Council granted the territory to Bradford *as trustee* for the colony. Bradford kept the grant until he and his seven associates had paid off the huge debt they had assumed

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even in Plymouth, would probably have made them an aristocracy of office. Democracy at that time rarely went farther than to suggest that common men ought to have a voice in *selecting* their rulers. The actual ruling was to be left in the hands of those selected from the upper classes.

for the colony (§ 68). Then, in 1641, with solemn ceremony, he surrendered his rights to the whole body of settlers. The colony then gave legal titles to the assignments of land it had made.

**72.** The colony grew slowly, counting less than three hundred people in 1630,<sup>1</sup> when the great Puritan migration to Massachusetts Bay began. The Puritan colonies, then established, grew much faster and taught more important lessons in politics and economics. Plymouth had little *direct* influence, in either of these ways, upon later American history. It did have a large part in directing the later Puritan colonies toward *church independency*; but its supreme service, after all, lay in *pointing the way for that later and greater migration*. This the Pilgrims did; and with right their friends wrote them later, when the little colony was already overshadowed by its neighbors,—“*Let it not be grievous to you that you have been but instruments to break the ice for others: the honor shall be yours till the world’s end.*”

FOR FURTHER READING.—Bradford’s *Plymouth Plantation* will be enjoyed by many high school students as far as to page 200. (The latter part of the work is taken up largely with details of financial arrangements with the London partners, and is difficult reading.) Excellent secondary accounts are given by Tyler (*England in America*, 149–182) and by Channing (I, 293–321). Perhaps the most dramatic portraiture of the leaders is found in Eggleston’s *Beginners of a Nation*. Jane G. Austin’s stories, especially *Standish of Standish*, are worthy of mention.

EXERCISE.—1. Trace the title of a piece of property purchased in 1642 from John Alden and never held previously by any other private owner. 2. Distinguish between Plymouth town, Plymouth colony, and the Plymouth Council. 3. Examine the *Source Book* on Plymouth for information not given in this volume, and report. 4. Explain two meanings of “New England.” 5. Compare the maps on pages 29 and 51, and note that on page 56 “Virginia” is used in its original meaning as in the map on page 25.

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<sup>1</sup> EXERCISE.—Find authority for these figures in one of the Plymouth documents in the *Source Book*. Study No. 50 in the *Source Book* for illustrations of democratic progress.

## CHAPTER IX

### THE FOUNDING OF MASSACHUSETTS BAY

*God hath sifted a nation, that he might send choice grain into this wilderness.* — WILLIAM STOUGHTON, *Election Sermon* IN 1690.

**73.** SOME *commercial* beginnings of colonization in New England have been mentioned (§ 58). One such enterprise became the foundation for the Puritan Colony of Massachusetts. A partnership of merchants in the west of England, *mainly about Dorchester*, had been engaged in the New England fisheries for several years. In 1623, in order to carry on the business better, they established some forty employees in a station at Cape Ann, under *Roger Conant*<sup>1</sup> as overseer. During the next three years the Dorchester partnership was overwhelmed by heavy losses, and in 1626 it broke up, after sending a vessel to bring home the colonists. But *John White*,<sup>2</sup> one of the partners, by earnest promises of supplies, induced Conant and four others to stay in America, and the next year he succeeded in organizing a strong company of Dorchester and London merchants to renew the work of trade and colonization.

**74.** This new company came to be known as **The Company for Massachusetts Bay**. In the spring of 1628 it bought from the New England Council the territory between the Charles and the Merrimac rivers (extending west to the Pacific), and during the summer it sent out sixty settlers under *John Endi-*

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<sup>1</sup> Conant drifted to Cape Ann from Plymouth, which he left, he said, out of dislike for the extreme principles of the Separatists. How he came to Plymouth we do not know. Possibly he was one of the gentlemen in the Gorges expedition.

<sup>2</sup> White's "Brief Relation" (*Source Book*, No. 58) is the authority for most of the early history of this colony.

cott, a well-known Puritan gentleman. Conant, meanwhile, had removed from the exposed position at Cape Ann to a more convenient location near by. His "old settlers" at first were inclined to dispute Endicott's authority, but finally they recognized him peaceably as head of the settlement—to which accordingly he gave the Hebrew name *Salem* (Peace).

75. A year later (March 14, 1629) the Massachusetts Company secured a charter from King Charles. At the time this "**First Charter of Massachusetts Bay**" (as it came to be called later) was merely a grant to the commercial proprietary company in England. It confirmed their title to the land they had bought from the New England Council, and it gave them jurisdiction over settlers, similar to the authority possessed by other colonizing companies in England, *though more restricted*.<sup>1</sup>

The Company now appointed Endicott governor<sup>2</sup> at Salem, collected supplies of all sorts diligently, and sought out desirable emigrants of various trades. In May of 1629 it sent out its second expedition, of some 200 settlers, led by Francis Higginson, a Puritan minister.<sup>3</sup> Soon after, a Puritan church was organized in Salem.

76. *So far the history of the colony is like that of other commercial plantations.* Most of the settlers were "servants," and rather a worthless lot (§ 80). The chief men were Puritans because it was easier just then for an emigration in England to find fit leaders among the Puritans than among other classes; and the proprietary Company was Puritan, on the whole, because almost the whole merchant class in England was Puritan. But there is no evidence that any one was planning, as yet, to build a Puritan colony. **Later in this same**

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<sup>1</sup> *Source Book*, Nos. 53–55. This charter did *not* authorize capital punishment, martial law, control over immigration, or coinage of money, — though all these powers were exercised under it.

<sup>2</sup> *Ib.*, No. 63. Until the Company secured the charter, it had no power to appoint officers in America. Endicott had been its "agent," without legal control over settlers except over those who were "servants" of the Company.

<sup>3</sup> *Ib.*, No. 56, for the "agreement" with Higginson.

summer of 1629, however, a new colonizing movement began, with that special purpose.

77. This new movement was due to a new danger to Puritanism in England. For years, despite the strenuous efforts of the Puritans, the English Church had been carried farther and farther away from their ideals. Bishop Laud, the tireless leader of the High-church movement, was ardently supported by King Charles. All high ecclesiastical offices had been turned over to Laud's followers; and his "High Commission" Court, with dungeon and pillory, was now ready to drive Puritan pastors from their parishes.

The Puritans had rested their hope upon parliament. They made the great majority in the House of Commons; and with the meeting of the third parliament of Charles (1628), their reform seemed on the verge of success. That parliament extorted the King's assent to the great "Petition of Right";<sup>1</sup> and then, in the winter of 1629, it began vigorously to regulate the church. But the King struck a despotic blow. March 2, he dissolved parliament, sent its leaders to the Tower, and entered upon a system of absolute rule. For eleven years no parliament was to meet in England. Religious reform and political liberty had gone down in common ruin, the end of which no man then could see.

*The continent of Europe offered no hope.* Every form of Protestantism there seemed doomed. Wallenstein's victorious troopers were turning the Protestant provinces of Germany into wilderness homes for wild beasts; and in France the great Richelieu had just crushed the Huguenots.

Accordingly, *the more dauntless of the English Puritans turned their eyes to the New World.* And there they saw a marvelous opportunity. At Plymouth was the colony of the Separatists, not large, but safely past the stage of experiment; while close by was the prosperous beginning of a commercial

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<sup>1</sup> The course of the Puritan struggle in England is told compactly in the *Modern World* in seven pages (§§ 420-435). Brief explanation of the events referred to in Germany and France can be found in the same text, §§ 407-410.

colony controlled by a Puritan company in England and managed on the spot by well-known Puritans like Endicott and Higginson. How natural to try to convert this Massachusetts into a refuge for Low-church Puritanism, such as Plymouth already was for "Puritans of the Separation."

**78.** But the leaders of this new movement had no idea of becoming part of a mere plantation governed by a distant proprietary company, however friendly. They were of the ruling aristocracy of England, — justices of their counties, and, on occasion, members of parliament. And so a number of them gathered, by long horseback journeys, and signed the famous **Cambridge Agreement** (August 25), promising one another solemnly that they would embark for Massachusetts with their families and fortunes, *if they could find a way to take with them the charter and the "whole government."*<sup>1</sup>

**79.** A proposal to transfer the government of the Company to America had been made a month before at the July meeting of the Company in London. The plan was novel to most of the members; but in September, after repeated debates, it was approved.<sup>2</sup> Commercial motives faded beside the supreme desire to provide a safe refuge for Puritan principles.

The new men of the Cambridge Agreement now bought stock; many old stockholders drew out; the old officers resigned (since they did not wish to emigrate); and *John Winthrop*, the most prominent of the new men, was elected "governor" (October, 1629). The next spring, Winthrop led to Massachusetts a great Puritan migration, — the most remarkable colonizing expedition that the world had ever seen.

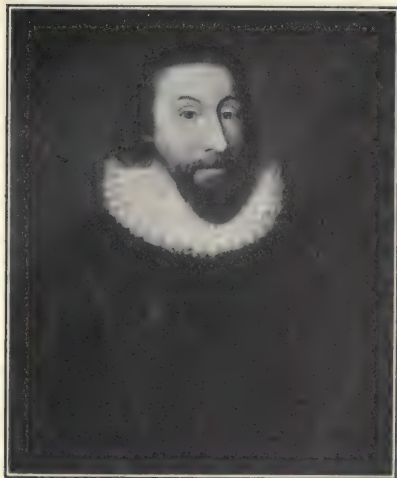
Previously the governor had been Matthew Cradock, and his term would not have expired regularly until the next May. This position corresponded to that of "treasurer" in the London Company. It must not be confounded with the subordinate "governorship" held by Endicott, any more than Sandys' position as head of the London Company in 1619

<sup>1</sup> *Source Book*, Nos. 58 b and 59.

<sup>2</sup> For a detailed discussion on the transfer of the charter, cf. *Source Book*, No. 53, and comments at close.

is to be confounded with the position of Yeardley in Virginia. Winthrop was *the second governor of the Company*. When he came to America, he superseded Endicott (for whose separate office there was no

further need), and became *governor of the colony also*. The two offices merged.



JOHN WINTHROP. From a portrait in the State House at Boston, painted in England before the migration, and attributed to Van Dyck.

For the first time a proprietary corporation removed to its colony. **Colony and corporation merged.** Massachusetts became a *corporate colony* and a *Puritan commonwealth*.

80. In May, 1629, Endicott had a hundred settlers at Salem. In June, when Higginson arrived with two hundred more (§ 75), another plantation was begun at *Charlestown*.<sup>1</sup> Now, in the summer of 1630, seventeen ships brought two thousand settlers to Massachusetts, and six new towns<sup>2</sup> were started.

But the immigrants found conditions sadly different from their expectations. Two hundred returned home in the ships that brought them, or sought better prospects in other colonies; and two hundred more died before December. Immediately

<sup>1</sup> The next winter slew nearly a third of the colonists; and in June of 1630 Winthrop found the survivors starving and demoralized. Four fifths of them were servants of the Company; but they had accomplished nothing, and Winthrop thought it cheaper to free them than to feed them. There were also seven other little settlements along the coast — like that of Blackstone at Boston — with a total population of some fifty souls. These scattered plantations were the remnants of the commercial attempts mentioned in § 58.

<sup>2</sup> Boston, Dorchester, Watertown, Roxbury, and minor settlements at Lynn (Saugus) and Newtown (afterward Cambridge). There were also the two older towns, Salem and Charlestown. See map, p. 107.

on his arrival, Winthrop, in fear of famine before the next summer, wisely hurried back a ship for supplies. Its prompt return, in February, saved the colony. According to one story, Winthrop had just given his last measure of meal to a destitute neighbor.

Meantime the deserters spread such discouragement in England that for the next two years emigration to Massachusetts ceased. In 1633, however, it began again. Soon *the ship-money*<sup>1</sup> troubles gave it new impetus, and it went on, *at the average volume of three thousand people a year*, until the Long Parliament was summoned.

Thus the eleven years of "No Parliament" in England saw *twenty-five thousand selected Englishmen* transported to New England. This was the "**Great Migration**" of 1629-1640. In 1640 the movement stopped short.<sup>2</sup> Says Winthrop, "The parliament in England setting upon a general reformation both in church and state, . . . this caused all men to stay in England *in expectation of a New World*" there. Indeed, the migration turned the other way; and many of the boldest and best New England Puritans hurried back to the old home, now that there was a chance to fight for Puritan principles there.<sup>3</sup>

**New England had no further immigration of consequence until after the Revolution. But this coming of the Puritans, during England's ten**

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<sup>1</sup> For English history in this period, see *Modern World*, §§ 436 ff.

<sup>2</sup> The sudden stop in immigration caused great industrial depression. Until that time the colony had been unable to raise sufficient supplies for its use. Newcomers brought money with them, and gladly paid for cattle and food the price in England plus the cost of transportation. In an instant this was changed. The colony had more of such supplies than it could use, and high freights made export impossible. Both Bradford and Winthrop lament the falling in prices, — for a cow from £20 to £5, etc., — without very clear ideas as to its cause. The phenomenon has been repeated many times on our moving frontier.

<sup>3</sup> Winthrop's third son and one of his nephews went back and rose to the rank of general under Cromwell, while the Reverend Hugh Peter, — rather a troublesome busybody in the colony, — became Cromwell's chaplain. Such facts help us to understand that the larger figures on the small New England stage, like Winthrop and his gallant son, John Winthrop, Jr., were fit companions for the greatest actors on the great European stage in that great day.

hopeless years, is one of the fruitful facts in history. The twenty-five thousand are the ancestors of *about a sixth* of our population to-day; and we owe to them *much more than a sixth* of our higher life in America. Said an old Puritan preacher, with high insight, "God hath sifted a nation, that he might *send choice grain into this wilderness.*"

81. True, motives were somewhat mixed. The twenty-five thousand immigrants were not all Puritans; and the Puritans were not all saints. Some little communities, like Marblehead,<sup>1</sup> were made up wholly of rude fishermen with little interest in the Puritan movement; and the Puritan settlements themselves contained many "servants."<sup>2</sup> These were sometimes a bad lot, with the vices of an irresponsible, untrained, hopeless class.<sup>3</sup>

The great body of the Puritans themselves had been shopkeepers, artisans, and small farmers in England. They were plain, uneducated men who *followed* a trusted minister or an honored neighbor of the gentry class. Very largely, they came to get away from the pressure of poverty in their old homes. They felt keenly the force of Winthrop's argument:—

"This Land growes weary of her Inhabitants, soe as man, who is the most pretious of God's creatures, is here . . . of less prise among us than an horse or a sheepe . . . Why then should we stand striving here . . . (many men spending as much labour and coste to . . . keepe an acre or tuoe of Land as would procure many hundred as good or better in another Countrie) and in the meantime suffer a whole Continent, fruitfull and convenient, to lie waste?" (*Source Book*, No. 59, for the rest of this paper. Cf. also § 24.)

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<sup>1</sup> Cotton Mather tells how a preacher from another town, visiting Marblehead and praising their devotion to principle, was interrupted by a rough voice, — "You think you are talking to the people of the Bay: we came here to catch fish."

<sup>2</sup> Winthrop alone had some twenty male servants, some of them married.

<sup>3</sup> On the voyage, cheats and drunkards from this class had to receive severe punishment. After reaching America, the better ones were sometimes demoralized. They saw vastly greater opportunity for free labor than they had ever dreamed; but they had ignorantly bound themselves to service through the best years of their lives. Brooding upon this led some to crime or suicide. (Find authority for these statements in the *Source Book*.)

Nor were the greatest of the Puritans moved by religious motives only. They, too, expected to better their worldly condition. Even John Winthrop had been induced to emigrate, in part, by the decay of his fortune in England. As he explained, in the third person, to his friends, "His meanes heer are soe shortened as he shall not be able to continue in the same place and callinge [as before]; and so, if he should refuse this opportunitye, *that talent which God hath bestowed upon him for publick service were like to be buried.*"<sup>1</sup> Many others of the 1630 migration had been deluded by "the too large commendations" of New England which Higginson had sent back in the preceding summer (*Source Book*, No. 59 d).

But when these dreams faded, the more steadfast spirits did not falter, but showed bravely the higher aims that moved them most. Dudley, a disappointed but stout-hearted companion of Winthrop, in his *Letter to the Countess of Lincoln* (*Source Book*), speaks with charity of "falling short of our expectations, to our great prejudice [loss], by means of letters sent us hence into England, wherein honest men, out of a desire to draw others to them, wrote *somewhat hyperbollically* of many things here." So, too, after the first hard months, Winthrop wrote to his wife in still nobler strain,

"I do hope our days of affliction will soon have an end . . . *Yet we may not look for great things here* . . . [But] we here enjoy God and Jesus Christ. I thank God, I like so well to be here as I do not repent my coming; and if I were to come again, I would not have altered my course though I had forseen all these afflictions."

**82. Life in the Colony.** — After the first winter the colony was never in danger of absolute ruin; but the settlers long suffered more than the common hardships of a frontier. They did not take naturally to pioneer life as our later backwoodsmen did. They had no love for the wilderness, nor could they adapt themselves readily to its new requirements. But they had soberly and prayerfully committed life, family, and

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<sup>1</sup> "Considerations for J. W." in *Source Book*, No. 59.

fortune to a daring experiment, and, like the Pilgrims, they too met disaster "with answerable courages."

Men who had left stately ancestral manor houses took up life calmly in rudely built log cabins, and never looked backward. Famous ministers, who came from the loveliest parish churches in peaceful England, preached and gave the communion, and married, baptized, and buried, in bleak, barn-like "meeting-houses," where each male worshiper brought his musket. A pitiable proportion of the babies died, year by year, in the harsh climate and draughty houses, and a shocking number of brave, uncomplaining, overburdened women "but took New England on the way to Heaven."

Sparks from the mud-plastered fireplaces and chimneys set many a fire. Winthrop's "Journal" speaks repeatedly of such loss — home, barn, hay, and stock, often in the dead of a winter night; and Captain John Smith chances to mention that at Plymouth in the third winter seven of the thirty-two homes burned down. Wolves killed the calves of this or that settler, — a serious disaster when most stock had still to be brought from England. Men, and sometimes women, were lost in short trips through the woods, and found frozen to death. Inexperienced fishermen were caught by storms and swept away to sea.

Amid all this, the men of the gentry class kept up as much as they could of the old English stateliness. They trod briar-tangled forest paths, clad in ruffles, silk hose, long cloak, and cocked hat, and solemnly exchanged garments, in token of friendship, with painted savages who now and then stalked haughtily into the villages to dine with the chief men.

Slowly, too, the colony worked its way to a rude comfort. In 1670 a Boston schoolmaster, Benjamin Thompson, pictures for us how —

"the dainty Indian maize  
Was eat with clam shells out of wooden trays,  
Under thatched huts without the cry of rent,  
And the best sauce to every dish — Content."

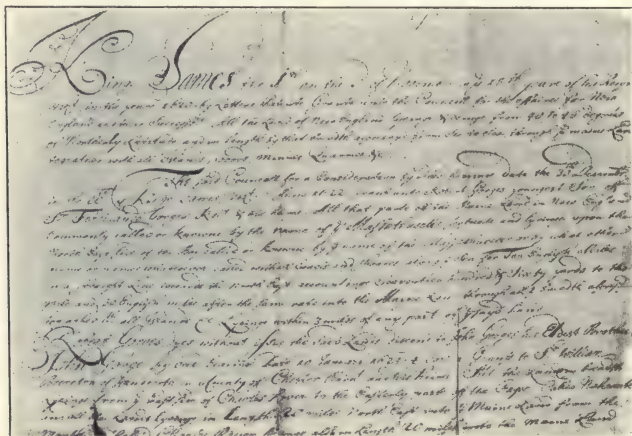
**83. Kinds of Work.** — Every free man had his *plot of ground*, and the “gentlemen” soon tried — not very successfully — to farm large plantations with indentured servants. The stony soil forced the settlers at once to take up other work also. Each family *raised a few pigs*, to supply the pork-barrel — and the straying and trespasses of these unruly brutes were an incessant source of annoyance and even of dissension. As soon as possible, men began also to *breed cattle*. The *fisheries* furnished some profitable export to England, to help pay for European supplies; and from the woods that reached to their doors, the settlers *fashioned staves and clapboards* both for home use and for export. *Mills* to grind grain appeared here and there, where streams provided water power. And, in the second year, New England’s famous *ship-building* and *coasting trade* began, when Winthrop launched *The Blessing of the Bay* — a small schooner, which traded for furs with the Indians and with English settlements along the coast, from the Kennebec to the Connecticut. Very early some primitive “iron works” began to extract iron from the easily worked “bog” deposits, and to “cast” simple implements. In 1646 the Massachusetts General Court gave a patent to Joseph Jenks for certain improvements on the scythe which gave that tool its modern form. Brick kilns were among the early industries. The first sawmill did not appear until 1663 — at Salmon Falls in New Hampshire. Soon at



A KETTLE, now in the Lynn Library, said to be the *first casting made in America* — at the Lynn (Saugus) Iron Works in 1642. Note the graceful lines. In 1648 the Lynn Iron Furnace turned out eight tons a week. But the local deposits of bog iron were soon exhausted.

many points such mills were turning the forest about them into rough lumber for export to England, while, at clearings remote from water power, the logs were burned into potash or pearl ash. Potash in that day was indispensable in manufacturing woolen goods and glass and in making soap; and all through the colonial period large amounts were sent to Europe.

**84. For a time, there was danger that England might interfere with the Massachusetts experiment.** The colony's land, which



**GRANT OF NORTHEAST PART OF NEW ENGLAND TO ROBERT, SON OF SIR FERNANDO GORGES, DECEMBER 30, 1622.** From the Massachusetts State Archives.

had been bought from the New England Council in 1628, was part of a tract granted earlier by that body to Gorges (§ 58). Probably the trouble came merely from the ignorance of American geography. The Massachusetts charter of 1629 (from the King) strengthened the colony's title; and in 1631 the colonial government arrested two of Gorges' agents, and, after severe handling, shipped them back to England.

Gorges finally got the matter before the King's Council, and that body ordered Cradock (§ 79), governor of the original Massachusetts Company, to produce the charter and explain the

acts of the colonial government. *When it was discovered that the charter was in America*, a series of peremptory demands were sent to the authorities there for its return, and legal processes were begun in the English courts to overthrow it. Meantime, in 1635, the New England Council surrendered its charter, and *Charles appointed Gorges "governor general" over all New England*. Gorges began to build a ship and to get together troops.

**85. The leaders in the colony did not weaken.** After consulting with the ministers, it was agreed, "that, if a general governor were sent, we ought not to accept him, but defend our lawful possessions (if we are able); otherwise, *to avoid or protract*." At its next meeting the General Court voted a tax of £600 (many times larger than had before been known in the colony), and began a series of fortifications, *not* on the frontier against the Indians, but on the coast to resist an English ship. *Bullets were made legal tender* in place of small coin; and a committee was appointed "to manage any war that may befall," with power to establish martial law. No one thought of sending back the charter. Quaint excuses were sent in plenty; and, when these wore thin, the royal orders were quietly ignored, and, at last, openly defied.

**86. This policy of "protracting" won.** Gorges' ship was ruined by an accident in launching, and he could not get money to build another or to keep his troops together. The King, economizing rigidly, in the midst of the "ship-money" troubles, would give commissions, but no gold. The English courts did finally declare the charter void (1638); but the ship that brought word of this brought news also of the rising of the Scots, and the colony "thought it safe" bluntly to refuse obedience to the "strict order" for the surrender of the document, even hinting rebellion (*Source Book*, No. 76). In England, matters moved rapidly to the Civil War, and Massachusetts was left untroubled to work out her experiment. After the Restoration in England, *the legal authorities there decided that, since the charter had not actually been surrendered, the process against it was ineffective*.

## CHAPTER X

### MASSACHUSETTS BAY: ARISTOCRACY VS. DEMOCRACY

87. Early Massachusetts was predominantly aristocratic in politics. The charter provided that all important matters of



THE CRADOCK HOUSE (1636) AT MEDFORD, MASS. This is the oldest brick house in the United States. With the exception of the porch it is in the same condition as in colonial times. Though Governor Cradock (\$ 84) never came to America, he did try for a time to till some large grants of land there by bands of indentured servants. One such grant was at Medford. These grants were made to him by the colony in recognition of his services in England.

government should be settled by the stockholders ("freemen") in four "General Courts" each year. But only some twelve freemen of the corporation had come to America. *These were all of the gentry class*, — men of strong character and, most of

them, of prudent judgment. Before leaving England, they had *all been made magistrates* (governor, deputy governor, and "Assistants"). Even without such office, and *merely as freemen*, the twelve had *sole authority to rule the two thousand settlers* and to make laws for them; and the little oligarchy began at once to use this tremendous power. The first meeting of Assistants in America fixed the wage of laborers, forbidding a carpenter or mason to take more than two shillings a day.

**88. From the first a democratic movement challenged this oligarchic government.** The first General Court was held in October, 1630. By death and removal, the twelve possessors of power had shrunk to *eight*. These eight gentlemen found themselves confronted by a gathering of one hundred and nine sturdy settlers asking to be admitted freemen. This was a united demand for citizenship, by nearly all the heads of families above the station of unskilled laborers. *To refuse the request was to risk the wholesale removal of dissatisfied colonists either to Maine, where Gorges would welcome them, or to Plymouth; to grant it was to endanger the peculiar Puritan commonwealth at which the leaders aimed, and to introduce more democracy than they believed safe.*

**89. In this dilemma, the shrewd leaders tried to give the shadow and keep the substance.** They postponed action on the application until the next spring. Meantime they passed two laws—in violation of the charter: first (October, 1630), *that the Assistants, instead of the whole body of freemen, should make laws and choose the governor*; and second (May, 1631), *that the Assistants should hold office during good behavior*, instead of all going out of office at the end of a year as the charter ordered. Then they admitted 116 new freemen, having left them no power except that of electing new Assistants "*when these are to be chosen.*"

The applicants, in their anxiety to get into the body politic, agreed for a time to these usurpations. Indeed they did not know what their rights should be. The charter was locked in Winthrop's chest, and only the magistrates had read it or heard it. For a year more, that little body, now shrunken to

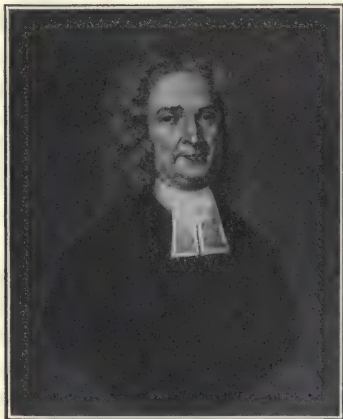
seven or eight, continued to rule the colony, admitting a few new freemen, now and then, to a shadowy citizenship.

90. The chief founders of New England had a very real dread of democracy. John Cotton, the greatest of the clerical leaders, wrote: —

“Democracy I do not conceive that God did ever ordain as a fit government for either church or commonwealth. *If the people be governors, who shall be governed?* As for monarchy and aristocracy, *they* are both clearly approved and directed in the Scriptures . . . .”

And the great Winthrop always refers to democracy with aversion. He asserts that it has “no warrant in Scripture,” and that “among nations

it has always been accounted the meanest and worst of all forms of government.” At best, Winthrop and his friends believed in what they called “a mixt aristocracy”: The people (*above the condition of day laborers*) might choose their rulers — provided they chose from still more select classes; but the rulers so chosen were to possess practically absolute power, *owning their offices* as an ordinary man owned his farm.<sup>1</sup>



JOHN COTTON. From the engraving, after a portrait, in Drake's *History and Antiquities of Boston*.

Calvin, the master of Puritan political thought, teaches that to resist even a bad magistrate is “to resist God” (*Source Book*, No. 61). His language is followed closely by Winthrop. In 1639, after the people in Massachusetts had se-

cured a little power, the magistrates tricked them out of most of it for a while by a law decreasing the number of deputies, so that they should not outvote the aristocratic magistrates in the Court. Some of the people *petitioned* modestly for the repeal of this law. Winthrop looked upon the petition as “tending to sedition.” Said he, “When the people have chosen men, *to be their rulers*, now *to combine* together . . . in a public petition to have an order repealed . . . *savors of resisting an ordinance of God*. For the people, *having deputed others*, have no power

<sup>1</sup> Cf. Cotton's sermon, § 92.

to make or alter laws themselves, *but are to be subject.*"<sup>1</sup> The great founders of America were far from believing in government "of the people and *by* the people."

91. The first effective protest against oligarchic usurpation came, after good English precedent, upon a matter of taxation. This event is called **the Watertown Protest**.

In February, 1632, the Assistants voted a tax for fortifications. Watertown was called upon to pay eight pounds. The Watertown minister then called the people together and secured a resolution "*that it was not safe to pay moneys after that sort, for fear of bringing themselves and posterity into bondage.*" Governor Winthrop at once summoned the men of Watertown before him at Boston as culprits, rebuked them for their "error," and so overawed them that they "made a retraction and submission . . . and so their offence was pardoned." Probably, however, on the walk back to Watertown through the winter night, the "error" revived. Certainly, during the next months, there was secret democratic plotting and sending to and fro among the towns of which we have no record.<sup>2</sup> At all events, a week before the next General Court met in May, Winthrop warned the Assistants "that he had heard the people intended . . . to desire [vote] that the Assistants might be chosen anew every year, and that the governor might be chosen by the whole court, and not by the Assistants only." (These were charter provisions, of which the freemen must have heard some rumor.) "Upon this," adds Winthrop's "Journal," "*Mr. Ludlow [an Assistant] grew into a passion and said that then we should have no government, but there would be an interim wherein every man might do what he pleased.*" In spite of such silly passion, when the General Court met, the freemen calmly *took back into their*

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<sup>1</sup> The quotations from Winthrop come from his *History of New England*. This has been printed only with modernized spelling. When a Winthrop quotation is given with antique spelling, it comes from his *Letters*.

<sup>2</sup> Our information comes almost wholly from the brief "*Colonial Records*" and from Winthrop. The democrats never wrote their story, and many important steps have no history.

*own hands the annual election of governor and of Assistants.* Then they went further, and sanctioned the Watertown protest by decreeing that each town should choose *two representatives to act with the magistrates in matters of taxation.*

**92. This was not yet representative government.** The new deputies acted *in taxation only*: the magistrates kept their usurped power to make laws.

True, the magistrates now had to come up for reelection each year, but this was little more than a polite form. No chance was given, for some years, to nominate two or three candidates for a position, and then to choose between them. The Secretary of the Assistants made nominations — in some such form as, — “Mr. Ludlow’s term as Assistant has expired; will you have him to be an Assistant again?” On this sort of nomination the people had to vote Yes or No, *by erection of hands.* Unless they first rejected an old officer, there was no chance to elect a new one.

**93. In spite of such drawbacks, the reform of 1632 was a democratic advance.** Two years later, came the second step, **the peaceful revolution of 1634.**

*This movement began as a protest against “special privilege.”* The Assistants had made laws to favor their own class — trying repeatedly to keep wages down to the old level of England, and ordering that swine found in grain fields might be killed.

Winthrop speaks often of the high cost of food and other necessities, as compared with English prices; but he was honestly dismayed that carpenters should ask more than the old English wage. Indeed he puts the cart before the horse, and blames the higher cost of living upon the rise in wages. As to the swine law, — the poor man wanted his pig to find part of its living in the woods, but the rich men were not willing to fence their large fields. This matter caused harder feeling even than the wage laws.

The common freemen determined to stop some of this “class legislation.” In April, 1634, Governor Winthrop sent out the usual notice calling all freemen to a General Court in May. Soon after, on a given day, two men from each of the eight

towns (§ 80) met at Boston. How the meeting was arranged and the "committees" chosen, we have no record; but again there must have been much democratic planning, and many a journey through the forest, to secure this "first political convention in America."

The "convention" asked to see the charter. After reading it, they called Winthrop's attention to the fact that *the making of laws* belonged properly to the whole body of freemen (now some 200), instead of to the nine Assistants. Winthrop told them loftily that the freemen did not have men among them "qualified for such a business." He suggested, however, that perhaps they *might* once a year choose a committee to *make suggestions* to the Assistants.

The good governor felt sure—as his "Journal" shows—that this condescension had quieted the trouble. But when the General Court met (**May 14**), *three deputies appeared from each of the eight towns*, to sit with the Assistants, not merely to *suggest* laws, but to *make* them. Representative government had begun.

The aristocrats had had warning that their power was in danger, and they put forward their leading clerical champion. John Cotton preached the usual sermon to open the Court,—  
"and delivered this doctrine, that a magistrate ought not to be turned into the condition of a private man without just cause [and after a formal trial], no more than the magistrate may not turn a private man out of his freehold, etc., without like public trial."

This was a claim that public office was private aristocratic property.<sup>1</sup> The answer of the freemen was *to demand a ballot*, instead of the usual "erection of hands," in choosing a governor. Then they dropped Winthrop from the office he had held for four years,<sup>2</sup> and fined some of the Assistants for illegal abuse

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<sup>1</sup> At another time Winthrop tells, with approval, how Cotton "showed from the Word of God that the magistracy ought to be for life."

<sup>2</sup> The aristocratic doctrine of Cotton was further rebuked by the election of a new governor for each of the two following years. Then, in a period of great trouble, the trusted Winthrop was chosen again, and kept in office by annual elections, except for five years, until his death in 1649.

of power. They also ordered *jury trial* for all important criminal cases, and admitted 81 new freemen whom the Assistants the day before had refused to admit.

*The Court then made the revolution permanent.* It decreed that every General Court in future should consist (like this one) of deputies chosen by the several towns and of the governor and Assistants. Only such Courts could admit freemen, lay taxes, or *make laws*. The May Court each year was also to be a *Court of Elections*. At the *opening* of this Court, *all freemen* might be present, to choose governor and Assistants; but after the election all but deputies and magistrates had to withdraw.

For the most part, the old rulers took these changes in good part, quite in English temper; and the generous Winthrop, after recording his defeat, adds magnanimously, — “This Court made many good orders.”

*Massachusetts had now grown from a narrow oligarchy into a representative aristocracy. It was still far short of a democracy.*

**94. There was even more aristocracy in society than in politics.** The people were divided into five distinct classes:—

*gentlemen*, who alone had a right to the title Master (Mr.);

*skilled artisans and freeholders*, the backbone of the colony, usually addressed as “Goodman Brown” or “Goodman Jones”;

*unskilled laborers*, for whose names no handle was needed, and for whom indeed the surname was not often used;

*servants*, who usually passed finally into the class of artisans or laborers;

*slaves*, of whom there were soon a small number, both Negro and Indian.

Gentlemen were set apart from the lower orders almost as distinctly as Lords in England were from gentlemen. In early Massachusetts, one family out of fourteen belonged to this gentry aristocracy. For ordinary “people” to show subordination to these social superiors was about as essential as to obey written law. And the law expressly gave some privileges to the aristocracy.

For instance, in 1631, Mr. Josias Plaistowe was convicted of stealing corn from the Indians. His servants — who had assisted, under orders — were condemned to be flogged; but the court merely fined Plaistowe and ordered that thenceforward he should be called “by the name of Josias, and not Mr., as formerlie.” This was severe punishment, equivalent to degrading an officer to the ranks. For another offense, Josias would no doubt be whipped, like an ordinary man. The aristocracy were always *exempt from corporal punishment* by custom; and in 1641



STANDISH HOUSE, DUXBURY, MASSACHUSETTS. A typical colonial residence, built in 1666 (date on chimney) by a son of Miles Standish.

this exemption was put into written law.<sup>1</sup> Ten years later the court declared its “detestation” of the *wearing of gold lace or silk* by men or women “of mean condition,” reserving such apparel for gentlemen.

**95.** The franchise, too, was far from democratic. The voting “freemen” were a small part of the free men. The General Court of 1631, which admitted the first new freemen (§ 88), ordered that thereafter *only church members* should be made

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<sup>1</sup> Body of Liberties, 43; in No. 78 of *Source Book*. The student may compare the class distinctions in England, as described by William Harrison in 1578, and those portrayed for Massachusetts in 1635 in Cotton’s “Answer” to Lord Say (*Source Book*, Nos. 1 and 75).

freemen. This did not mean that *all* church members could vote: it meant that voters were to be *selected* only from church members. Unskilled laborers, servants, even slaves, were admitted to the churches, but never to full citizenship. *Only about one man out of four could vote at any time in colonial Massachusetts.*

FOR FURTHER READING. — The *Source Book* gives much material for chapters ix and x in Nos. 51-61, 63-65, 67, 75-77. For suggestions for the use of that book, see the close of chapter v.

Secondary material should include Channing's *History of the United States*, I, 322-437, and Becker's *Beginnings of the American People*, 86-89. Twichell's *John Winthrop* is an excellent short biography; and much interesting material will be found in Alice Morse Earle's *Customs and Fashions in Old New England*.

EXERCISE. — Who chose the governor of Massachusetts colony in 1629? in 1631? in 1635? Who was the first governor of the colony? of the Company? When was representative government established in Massachusetts? After that event, why were the deputies more democratic than the Assistants? (Four or five distinct reasons.) *How did Cotton's doctrine that it was wrong not to reëlect a magistrate year after year differ from our modern idea of "civil service reform"?* A man arrives in Boston in 1635: under what conditions and by what steps can he become a "freeman"?

## CHAPTER XI

### THE DEVELOPMENT OF POLITICAL MACHINERY

96. The Court of 1634 voted *by ballot* when it unseated Winthrop (§ 92). We know this fact from the note, "chosen by papers," in the margin of Winthrop's manuscript, opposite the name of the new governor. "Papers" were used, undoubtedly, as an aid to the democratic faction. A *secret* vote protected the voters from being overawed by Winthrop's influential friends.

This was the first *political* use of the ballot in America, though "papers" had been used once before in a *church* election at Salem. This method of voting, however, was common in boroughs and in large business corporations in England<sup>1</sup> (though not in parliamentary elections). One of these business corporations had now become a political corporation in Massachusetts; and nothing could be more natural than for it to make use of the ballot as soon as serious differences of opinion arose. After 1635, **law required the Court of Elections to use papers in choosing governor and Assistants** (*Source Book*, Nos. 67, 70).

For governor each voter wrote upon his ballot the name of his choice, or found some one to write it for him. But for some time the Assistants were chosen one at a time much in the old way. The Secretary nominated one of those already in office (§ 91). Then the people deposited their ballots. Those in favor of the nomination marked their papers with a scroll or cross — which did not call for ability to write; those opposed voted blank ballots.<sup>2</sup> If the candidate were defeated, another nomination was made for his place, to be accepted or rejected in like manner. There

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<sup>1</sup> Rules of the London Company, in *Source Book*, No. 23. Cf. § 42.

<sup>2</sup> In 1643, the law ordered that kernels of corn should be used instead of paper ballots, — white kernels to signify election; and other colors, rejection.

was no opportunity, so far, to choose *between* two candidates, and the man in office still had a tremendous advantage.

**97.** The next step was to introduce the ballot in *town elections*. This was done first at Boston, in December, 1634, when a committee was chosen to divide public lands among the inhabitants. The people, says Winthrop, "feared that the richer men would give the poorer sort no great proportions of land," and this time, too, they used the ballot to leave out the aristocratic element (*Source Book*, No. 71).

**98.** In all of these cases the advantage of the ballot lay in its secrecy. But **there is another way in which the ballot aids democracy**. Its use makes it possible for men to vote in their own towns, *in small election districts* instead of being required all to come to one central point. Such an arrangement permits more voters to take part in elections.

Soon the men of Massachusetts used the ballot for this purpose. In March, 1636, the General Court ordered that the freemen of six new outlying towns might send "proxies" to the next Court of Elections. During the next December, the governor resigned,<sup>1</sup> and a special election was called. "In regard of the season," any freemen were authorized "to send their votes in writing." And the next spring (March, 1637) this method of voting for governor and Assistants was made permanent. Out of the use of proxies a true ballot in the several towns had developed.<sup>2</sup>

**99.** When men came to elect the governor and Assistants in the several towns, as just described, instead of all coming to Boston for the purpose, it was necessary, of course, to know *in advance* from what names the choice was to be made. The old system of nomination broke down; and the colony began to make use, sometimes of "**primary elections**," sometimes of "**nominating conventions**" made up of delegates from the various towns.

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<sup>1</sup> Sir Harry Vane, who was about to return to England.

<sup>2</sup> First the ballot was given to *some* voters for *one* time; then to *all* voters for *one* time; then to *all* for *all* times.

**100. Judicial development kept pace with political growth.** In the first summer in Massachusetts, a man was found dead under suspicious circumstances. The magistrates appointed a body of sworn men to investigate. This *coroner's jury* accused a certain Palmer of murder. Palmer was then tried by a *trial jury* (petit jury) of twelve men. All this was in accord with *custom in England*.<sup>1</sup> No Massachusetts law upon the matter had been passed.

In 1634, however, the General Court did expressly establish trial by jury (§ 92),<sup>1</sup> and a year later it ordered that a jury of inquest ("grand jury")<sup>2</sup> should meet twice a year, to present to the court all offenders against law and public welfare. Thus the first five years saw the complete adoption of the English jury system.

It is said sometimes — with much exaggeration — that in the absence of written law, the Puritans followed the Jewish law. But in this supremely important matter of legal machinery, they turned promptly not to the Old Testament but to the English Common Law.

**101.** At the General Court in May, 1635, the deputies demanded a **written code of law**. The magistrates were making law, *almost at will*, in their decisions, *after cases came before them* (*Source Book*, No. 65); and "the people thought their condition very unsafe," says Winthrop, "while so much power rested in the discretion of the magistrates."<sup>3</sup>

The democratic demand could not very well be openly denied; but for a time it was evaded skillfully. The Court appointed four magistrates to prepare a code; *but this committee failed to report*. A second committee of "gentlemen" was equally ineffective. Then, in 1638, the Court ordered that the deputies should collect suggestions *from the freemen* of their several towns, and present the same in writing to a new committee *made up partly of deputies*.

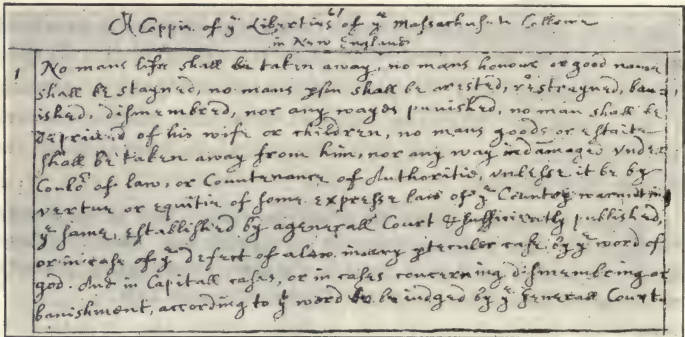
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<sup>1</sup> On the origin of the jury in England, see *Modern World*, §§ 173, 174.

<sup>2</sup> The terms *grand* and *petit* have reference to the size of the two kinds of jury originally in England.

<sup>3</sup> Cf. the democratic demand for written law in early Athens and Rome; *Ancient World*, §§ 139, 364.

Now matters began to move. The suggestions from the towns were reduced to form in 1639, and sent back to all the towns for further consideration, "that the freemen might ripen their thought," and make further suggestion. The next lot of returns were referred to two clergymen, John Cotton and Nathaniel Ward. On this basis, in 1641, each of these gentlemen presented a full code to the General Court, and the



NUMBER 1 OF THE "BODY OF LIBERTIES." The original manuscript is now in the Boston Athenæum.

more democratic one, by Ward, was adopted. This famous **Body of Liberties** (*Source Book*, No. 78)<sup>1</sup> marks splendid progress in law, English or American.

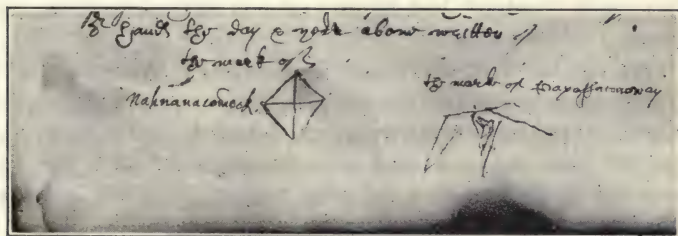
**102.** The next important fruit of the democratic movement was the division of the legislature into two Houses. For ten years after the "revolution of 1634" (§ 92), the General Court sat as one body. But it was made up of two distinct "orders."

The deputies were chosen each by his own townsfolk, and held office for only a few days. Often they were artisans or farmers, and as a whole they leaned to democracy. The *Assistants* continued to be in-

<sup>1</sup> Note especially (1) the provision that no punishment should be inflicted merely at the discretion of magistrates but only by virtue of some express law of the colony; (2) prohibition of monopolies; (3) right of jury trial with right of "challenge"; (4) the "Liberties of Women" and "Liberties of Children."

tensely aristocratic. They had many additional meetings for judicial business and to aid the governor. They had to know some law, and they served without pay. Only "gentlemen" were qualified for the office, or could afford to hold it. More yet to the point—the hottest democrat did not dream of selecting these "ruling magistrates" from any but the highest of the gentry class.

Naturally, friction was incessant. At the first clash, in the summer Court of 1634, the Assistants claimed "*a negative voice*," or veto. To grant this was to give as much voting



"MARKS" OF NAHNANACOMOCK AND PASSACONAWAY, affixed to a covenant submitting to an order of the General Court; dated June 12, 1644. From the Massachusetts State Archives.

power to the aristocratic minority as to the democratic majority. But the ministers were brought forward to argue for the plan,<sup>1</sup> and finally it was agreed to.

During this controversy, a pamphlet by Israel Stoughton, of Dorchester, attacked the claim of the Assistants—with what Winthrop calls "many weak arguments." The Assistants called Stoughton before them, forced him to recant, ordered his book burned, deprived him of his office (of deputy), and forbade him to hold any office for three years! The great Puritan leaders had no more place for free speech<sup>2</sup> than for the right of petition (§ 89).

<sup>1</sup> The clergy commonly sided with the aristocracy and were often used in this way to bolster aristocracy. The democratic deputies were all earnest church members, and revered their ministers.

<sup>2</sup> Thanks to English custom, *debate in the General Court was free*. Stoughton could have spoken his arguments there with impunity. But the Assistants denied the right of a citizen, outside the legislature, to criticize the government. Winthrop had written a pamphlet *in favor* of the "negative voice"; but the Assistants saw no wrong in argument on that side.

*The Assistants had now won much the greater weight in the legislature.* They were a small disciplined body. They could agree upon plans before the Court met, and could act as a unit in the meeting, much better than could the deputies. Moreover, the Assistants monopolized debate: it was impossible for individual deputies to confront men of such social superiority and such political ability. The deputies saw that they would gain dignity and influence if they sat by themselves;<sup>1</sup> and, in 1644, the General Court separated into two "Houses." Thereafter, each "order" had its own officers and committees, and managed its own debates.

This was the first two-House Legislature in America. The immediate occasion for the division was a quaint three-year dispute over a poor woman's pig, which had strayed into the pen of a rich gentleman and had been slaughtered.<sup>2</sup> But the real cause lay in the the class jealousy that we have been tracing. When Assistants and deputies could no longer live in peace under one roof, the example of the two-House parliament in England<sup>3</sup> suggested convenient escape from their troubles.

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<sup>1</sup> Compare the like movement in Maryland; § 54.

<sup>2</sup> Says Winthrop, "There fell out a great matter upon a small occasion." Three law-suits regarding this pig came before the General Court. Each time the deputies sided with the poor woman; the Assistants, with the gentleman.

<sup>3</sup> The law of 1644 refers to European experience as one reason for the division (*Source Book*, No. 80). For some years the leaders had seen that the change must come (*Source Book*, No. 75).

## CHAPTER XII

### LOCAL GOVERNMENT IN NEW ENGLAND

*Town meetings are to liberty what primary schools are to science.*  
—TOCQUEVILLE.

**103.** Most New England towns in the seventeenth century were merely agricultural villages. Farmers did not live scattered through the country, as now, each on his own farm. They dwelt together, English fashion, in villages of thirty or a hundred or two hundred householders, with their fields stretching off on all sides.

**104.** *At first*, in Massachusetts, the General Court appointed justices and constables for each settlement and tried to attend to other local business. But from the first, too, *on special occasions*, the people of a town met to discuss matters of interest,—as at the famous Watertown meeting of 1632. Such gatherings were called by a minister or other leading man, and were sometimes held just before the people dispersed from the Thursday “sermon” (the ancestor of our midweek “prayer meeting”). The first Boston meeting that we know of was held at such a time—to choose a committee to divide the town lands (§ 97).

Then in 1633 *Dorchester* ordered that there should be a regular monthly town meeting to settle town matters (*Source Book*, No. 66). Watertown followed this example the next spring; and soon each town, old or new, fell into line. Each town, too, chose a town clerk to keep records of the “by-laws” passed at the meetings, and elected a committee (“the seven men,” “the nine men,” “the selected townsmen,” “the Select

Men”<sup>1</sup>) with vague authority to manage town affairs between the town meetings.

**105. These governments** by town meeting and selectmen *grew up* out of the needs of the people, and out of their desire to manage their own affairs. Soon the General Court gave legal sanction to the system. After that, *in theory, the towns possessed only such authority as the central government of the commonwealth delegated to them.*<sup>2</sup> The central legislature gave the town its territory and its name, and required it to maintain trainband,<sup>3</sup> school, roads, and certain police arrangements, and it sometimes imposed fines when a town failed in any of these things to come up to the standard set by law.

**106. In actual practice,** however, **great independence was left the town.** The town meeting appointed *all* local officers, — not merely selectmen and clerk, but school trustees, hog reeve, fence viewer, constable, treasurer, pound keeper, sealer of weights and measures, measurer of corn and lumber, overseer of chimneys, overseer of the village almshouse; and for most of these officers it alone defined all the powers and duties. It divided the town lands among the inhabitants, — such a part as it chose to divide, — and it fixed the size of building lots, — a quarter-acre, an acre, two acres, or five. It passed ordinances regarding the remaining town fields and pastures, the keeping up of fences, the running of cattle and hogs, the term of the school and its support, the support of the church, and of the town poor.

This town democracy had its disadvantages. Action was slow, and was often hindered by ignorance and petty neighborhood jealousies. But the best thing about the town meeting was the constant *training in politics* it gave to the mass of the

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<sup>1</sup> This term came to be written *Selectmen*, but the New Englander still pronounces it “Select Men.”

<sup>2</sup> In Rhode Island and Connecticut, the towns came into existence before there was any central government. In these States, the towns have always felt a peculiar independence.

<sup>3</sup> A local militia with regular periods of training.

people. Thomas Jefferson called it "*the best school of political liberty the world ever saw.*"

**107.** *All the people in a town could come to town meeting and could speak there;<sup>1</sup> but not all could vote.* At the base of society in every town was a class of "cottagers," or squatters, who were permitted to live in the place at the town's pleasure only,<sup>2</sup> and *who could not acquire land there, nor claim any legal right to the use of the town "commons,"* for pasture. Servants whose term of service was up, and strangers who drifted into the town as day laborers, usually passed at first into this class.

The people in a town who held full town citizenship were known as "inhabitants." A "cottager," however worthy, or a new settler of even the gentry class, could be "admitted inhabitant" only by vote of the town. In practice, the "inhabitants" of a town included all its gentlemen and industrious artisans and freeholders. That is, they included all "freemen," and many others, who never secured the colonial franchise.

**108.** *Thus the town government in Massachusetts was more democratic than the central government. The body of citizens was more extensive, and the citizens acted directly, not through representatives. And this town democracy touched the life of the people at more points, and at more vital ones, than did the central government.*

EXERCISE. — Study the New England town in the *Source Book*, No. 83.

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<sup>1</sup> Body of Liberties (12), in *Source Book*, No. 78.

<sup>2</sup> For instance, the *Hartford Records* contain a grant of "lotts" to certain "cottagers," "to have onely at the Townes courtesie, with libertie to fetch wood and keepe swine or cowes on the common."

## CHAPTER XIII

### THE MASSACHUSETTS IDEAL : ARISTOCRATIC THEOCRACY

**109.** In England the High-churchmen had reproached the Low-churchmen with being secretly Separatists. **The Low-church Puritans repelled the charge indignantly**, and, to prove their good faith, joined vehemently in denouncing the Separatists. Thomas Hooker was one of the greatest of the Puritan clergy. Before he came to America, while a fugitive in Holland, he was called a Separatist. But he claimed to have "an extreme aversion" to that sect, and he wrote, "To *separate* from the faithful assemblies and churches in England, as no churches, is an error in judgment and a sin in practice." So, too, Francis Higginson exclaimed, as the shores of England receded from view (§ 75),

"We will not say, *as the Separatists are wont to say*, Farewell, Rome ! Farewell, Babylon ! But we will say, Farewell, dear England ; Farewell, the Church of God in England, and all Christian friends there."<sup>1</sup>

**110.** But when the Massachusetts Puritans reached the New World they found themselves more in accord with the despised Separatists than they had thought. Much of the change seems to have come on the Atlantic,—where the eight or ten weeks' voyage, and the daily preaching, invited men to find out just where they did stand. At all events, very soon they did *separate* wholly from the English Church, *refusing even to recognize its ordination of clergymen*.

**111.** On the other hand, they *did not separate the church from the state*, as Plymouth did, nor did they make one congregation wholly independent of another in matters of church govern-

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<sup>1</sup>See also *Source Book*, No. 60, and close of Nos. 52 and 62 c.

ment. They wished to use the state<sup>1</sup> to preserve their religion and church discipline.

**112.** To keep this union of state and church they adopted three distinct devices: (1) they gave the franchise only to church members; (2) they allowed no churches except those approved by the government; (3) they referred many political questions to the clergy assembled in synods.

**113.** The Massachusetts ideal was an aristocratic theocracy, a government *by the best*, in accordance with *the law of God*. The ministers were supposed to have special ability to interpret that law. Nor were the clergy backward in claiming political power. Winthrop tells, with approval, how Cotton "proved" from many texts of Scripture "that the rulers of the people should consult with the ministers of the churches upon occasion of any weighty matter, *though the case should seem never so clear*, — as David in the case of Ziklag."

In practice, the ministers in politics proved a bulwark of class rule. In every controversy between aristocracy and democracy, they found some Biblical passage which would support the aristocracy (§§ 89, 92, 102). More than once democratic progress depended upon the appearance of a rare democratic champion among the ministers, like Ward of Ipswich (§ 101) or Hooker of Connecticut (§ 125). By 1639 the democracy had learned the lesson, and managed *sometimes* to put forward democratic ministers to preach "election sermons" (*Source Book*, No. 77).

**114.** The purpose of the early Massachusetts Puritans (in their own words) was "to build a City of God on earth." They came to the wilderness not so much to escape persecution as to *find a freer chance to build as they saw fit*, where there should be none with right to hinder them; and they did not mean that intruders should mar their work.

This plan forbade toleration. *Religious freedom was no part of the Puritan's program*. He never claimed that it was. It

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<sup>1</sup> Winthrop declared that their purpose in coming to America was "to seek out a place of cohabitation under a due form of government *both civil and ecclesiastical*."

was fundamentally inconsistent with his program. The Puritan was trying a lofty experiment, for which he sacrificed home and ease; but he could not try it at all without driving out from his "City of the Lord" those who differed with him (*Source Book*, No. 84). And so the Massachusetts government assumed power to regulate immigration.

In the first fall after Winthrop's arrival, two "gentlemen" from England came to Massachusetts by way of Plymouth. They were introduced by Miles Standish; "but," says Winthrop, "having no testimony,<sup>1</sup> we would not receive them."<sup>2</sup> In the following March, the Assistants shipped back to England six men at one time, *without trial*, merely upon the ground that they were "unmeete to inhabit here"; while for years there were occasional entries in the records like the following: "Mr. Thomas Makepeace, *because of his novile disposition*, is informed that we are weary of him, unless he reform"; and "John Smith is ordered to remove himself from this jurisdiction *for divers dangerous opinions* which he holdeth."

Such cases help us to understand the famous expulsions of Roger Williams and Anne Hutchinson.

**115. Roger Williams** was one of the most powerful and scholarly of the great Puritan clergy. He had rare sweetness of temper; but, along with it, a genius for getting into bitter controversy. He was broad-minded on great questions; but he could quarrel vehemently over fantastic quibbles. The kindly Bradford describes him as possessing "many precious parts, but very unsettled in judgment."<sup>3</sup>

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<sup>1</sup> The Puritans used this word for "evidence" of religious character.

<sup>2</sup> The government was especially cautious because these two were "gentlemen," and so sure to be influential, if taken into the colony. Probably they were thought to be Separatists.

<sup>3</sup> Bradford didn't like Williams: "I desire the Lord to show him his errors and reduce him into the way of truth, and give him a settled judgment and constancy in the same; for I hope he belongs to the Lord." Eggleston hits off Williams' weakness well in saying that he lacked humor and sense of proportion, and "could put the questions of grace after meat and of religious freedom into the same category."

Driven from England by Laud, Williams came to Massachusetts in the supply ship in the winter of 1631 (§ 80). He was welcomed warmly by Winthrop as "a godly minister"; but it was soon plain that he had adopted the opinions of the Separatists. He scolded at all who would not utterly renounce fellowship with English churches, and he preached against any union of church and state, holding that the *magistrate* had no right to punish for Sabbath-breaking or for other offenses against "the first table" (the first four of the Commandments). Thus his welcome at Boston quickly wore thin. He went to Plymouth for a time, but soon returned to the larger colony as the pastor of Salem.<sup>1</sup> Just at this time that town wanted more lands. The court of Assistants paid no public attention to the request, but let it be known privately that, if Salem expected the grant, it had best dismiss Williams. On his part, Williams referred to the other churches of the colony as "ulcered and gangrened," and called the clergy "false hirelings."

**116.** An opportunity soon offered to get rid of him. All land in America, he urged, belonged to the Indians until bought from



STATUE OF ROGER WILLIAMS,  
at Providence.

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<sup>1</sup> In the hard winter of 1629 (§ 80), before Winthrop's arrival, the perishing Salem colony were fed, and their sick cared for, by a "relief expedition" from Plymouth. Salem seems at this time to have received an impulse toward Separatism (or Congregationalism) which it took the later towns of the Bay Colony many years to catch up with.

them. He denied the title of the colony, and said that the King had told "a solemn lie" in the charter in claiming right to give title. Such words, unrebuked, might embroil the little colony with the home government, with which it was already in trouble enough (§ 84). The magistrates seized the excuse, and ordered Williams back to England.

On account of the bitter winter season, the order was suspended until spring. The magistrates seem to have understood that Williams agreed meantime not to teach these troublesome doctrines. He continued to do so, however; and an officer was sent to place him on board ship. Forewarned secretly by *Winthrop*, he escaped to the forest, and found his way to the Narragansett Indians. The next spring a few adherents joined him: and the little band founded Providence, the beginning of the colony of Rhode Island (1636).

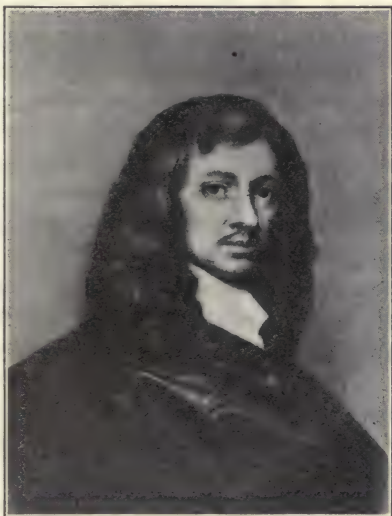
**117. Anne Hutchinson** is described by Winthrop (who hated her) as a woman of "ready wit and bold spirit." She was intellectual, eloquent, and enthusiastic. Her real offense seems to have been her keen contempt for many of the ministers and her disrespect toward the magistrates; but she held religious views somewhat different from the prevailing ones.<sup>1</sup> She spoke much of an "inner light"; and this phrase was twisted into a claim that she enjoyed special revelations from the Holy Spirit. For a time Boston supported her with great unanimity, but a majority in all the other churches was rallied against her.

Among Mrs. Hutchinson's adherents were the minister *Wheelwright*, and young *Harry Vane*, governor at the time. In the winter of 1637, Wheelwright preached a sermon declaiming violently against the ministers of the opposing faction. For this the next General Court (in March) "questioned" him, and voted him "guilty of sedition," in spite of a lengthy petition from Boston for freedom of speech.

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<sup>1</sup> At one time Winthrop confessed, "Except men of good understanding, few could see where the differences were; and indeed they seemed so small as (if men's affections had not been formerly alienated . . .) they might easily have come to a reconciliation."

The majority adopted also a shrewd maneuver. To lessen the influence of heretical Boston, they voted to hold the approaching "Court of Elections" not at that town as usual, but at Newtown (Cambridge). When that Court assembled, in May, "there was great danger of tumult." "Those of *that* side," says Winthrop, "grew into fierce speeches, and some laid hands on others; but seeing themselves too weak, they grew quiet." The orthodox faction finally elected Winthrop over Vane, and even dropped three magistrates of the other party off the Board of Assistants. To prevent the minority from receiving expected reinforcements from England, they then decreed that newcomers should not settle in the colony, nor even tarry there more than three weeks, without permission from the government. A few weeks later, a brother of Mrs. Hutchinson arrived, with many friends; but Winthrop compelled them to pass on at once to the New Hampshire wilderness.



SIR HARRY VANE. From a portrait painted in England probably by Van Dyck. Soon after the events told in this paragraph, Vane went back to England, and there took a leading part in the Long Parliament, the overthrow of King Charles, and the work of the Commonwealth.

118. In the following summer a *synod of clergy* solemnly condemned the Hutchinson heresies; and at the General Court in November the majority, "finding that two so opposite parties could not contain in the same body without hazard of ruin to the whole," determined to crush their opponents. Mrs. Hutch-

inson and Wheelwright were banished after a farcical trial; and "a fair opportunity" for destroying their party was discovered in the petition, *nine months old*, regarding Wheelwright. The three Boston deputies, because they had "agreed to the petition," were expelled from the Court and *banished from the colony*. Six other leading citizens were disfranchised. The remaining signers, seventy-six in number, were disarmed.

**119.** In all this persecution the Massachusetts Puritans were not behind their age: they merely were not in advance<sup>1</sup> in this respect. In England the Puritan Long Parliament in 1641, demanding reform in the church, protested that it did not favor toleration: "We do declare it is far from our purpose to let loose the golden reins of discipline and government in the church, to leave private persons or particular congregations to take up what form of divine service they please. *For we hold it requisite that there should be throughout the whole realm a conformity to that order which the laws enjoin.*"

On the other hand, a few far-seeing men did reach to loftier vision. In that same year, Lord Brooke<sup>2</sup> wrote nobly in a treatise on religion: "The individual should have liberty. No power on earth should force his practice. One that doubts with reason and humility may not, for aught I see, be forced by violence. . . . Fire and water may be restrained; *but light cannot*. It will be at every cranny. Now to stint it is [to-morrow] to resist an enlightened and inflamed multitude. . . . *Can we not dissent in judgment, but we must also disagree in affection?*" In America Roger Williams caught this truth clearly, and made it the foundation principle of Rhode Island.

FOR FURTHER READING. — The best general account is in Channing, I, 356-380. Eggleston's *Beginners of a Nation* has excellent treatments of the Williams and Hutchinson episodes.

<sup>1</sup> See *Source Book*, Nos. 84-86, on this whole matter.

<sup>2</sup> Lord Brooke, with Lord Say, thought for a time of settling in Massachusetts. Their correspondence on the matter with Winthrop and Cotton is given in part in the *Source Book*. After giving up this plan, the same two Puritan nobles tried in partnership to establish a colony in the Connecticut valley, where *Saybrooke* was named for them.

## CHAPTER XIV

### OTHER NEW ENGLAND COLONIES

**120.** By 1640, when the great Puritan migration came to an end (§ 80), there were five colonies in New England, besides Plymouth and Massachusetts. English proprietors had founded fishing stations on the coasts of *Maine* and *New Hampshire*, and these settlements had been reinforced and Puritanized by Hutchinson sympathizers from Massachusetts.<sup>1</sup> The *New Haven* group of towns began with a Puritan migration from England in 1638. This colony closely resembled Massachusetts; but it had a little less aristocracy, and depended a little more on the Old Testament as a guide in government.

The two remaining colonies, *Rhode Island* and *Connecticut*, represented new ideas and played new parts in history. *Each was born of rebellion against one part of the Massachusetts ideal: Rhode Island, against theocracy; Connecticut, against aristocracy.* In the long run the great Massachusetts plan of aristocratic theocracy broke down; while these two little protesting colonies laid broad and deep the foundations of America. *Roger Williams in Rhode Island was the apostle of modern religious liberty; and Thomas Hooker in Connecticut was the apostle of modern democracy.*

#### I. RHODE ISLAND

**121.** Williams founded the town of Providence in the spring of 1636 (§ 116). From the Indians he *bought* a tract of land, and deeded it in joint ownership to twelve companions “*and to*

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<sup>1</sup> Both these colonies were democratic in society. See the interesting “Exeter Agreement” in *Source Book*, No. 46, addendum.

*such others as the major part of us shall admit into the same fellowship.*" Later comers signed an agreement to submit themselves "*only in civil things,*" to orders made for the public good by the town fellowship,—in which they were freely granted an equal voice. "Civil" in this passage is used in its common English sense in that day, as opposed to "ecclesiastical."

The point to the agreement is that the people did *not* purpose to let the government meddle with religion. Williams' opinion upon the possibility of maintaining civil order without compelling uniformity in religion is set forth admirably in his figure of speech, comparing a state to a ship, where all, passengers and seamen, must obey the captain in matters of navigation, though all need not attend the ship's prayers (*Source Book*, No. 90).

**122. No opportunity was lost to assert this doctrine.** In 1644 Williams secured from the Long Parliament a "Patent" authorizing the Rhode Island settlements to rule themselves "by such a form of *civill* government," and to make "such *civill* laws and constitutions" as the majority might prefer. Then, in 1663, when the colony received its first royal charter (§ 144), the fundamental idea was made yet more explicit:—

"Whereas it is much on their hearts," says a preamble, quoting the petition of the colonists, "to hold forth *a livelie experiment* that a most flourishing civill state may stand . . . with a full libertie in religious concernments," accordingly, "noe person within the sayd colonye, at any tyme hereafter, shall bee any wise molested, punished, disquieted, or called in question, for any differences in opinione in matters of religion, and [*i.e.* provided he] doe not actually disturb the civill peace."

**123. The *practice* of the colony, too, kept to this high level.** During the Commonwealth (§ 48) in England, Massachusetts complained that Rhode Island sheltered Quakers, who then swarmed across her borders to annoy her neighbors. Williams disliked Quakers heartily; but he now replied that they ought to be punished *only when they had actually disturbed the peace*, and *not merely for being Quakers*. "We have no law," ran this noble argument, "to punish any for declaring by words their

minds concerning the ways and things of God." Massachusetts threatened interference. The smaller colony appealed to England, praying — "Whatever fortune may befall us, let us not be compelled to exercise power over men's consciences."

In Rhode Island, religious freedom was not a mere means to timorous toleration. *The chief purpose of this social "experiment" was to prove that such freedom was compatible with orderly government and good morals.* For a time there was much turbulence in the colony. Providence became a "crank's paradise," "New England's dumping ground for the disorderly and excentric elements of her population." But with clear-eyed faith Williams and his friends persisted, and finally worked out successfully their "livelie experiment."

## II. CONNECTICUT

*The birthplace of American democracy is Hartford.* — ALEXANDER JOHNSTON.

**124.** Three Massachusetts towns had been foremost in the struggle against aristocracy, — Watertown, Dorchester, and Newtown.<sup>1</sup> In 1635–1636, *the people of these towns made a new migration to the Connecticut valley, to try their own experiment of a democratic state.*

When the seceding towns gave their reasons for the migration, they put emphasis upon "the strong bent of our spirits to remove." This surely has reference to their dissatisfaction with aristocratic rule in Massachusetts. But other motives had part in the movement, — among them, a desire for the more fertile land of the valley. The journey through the forests, with women and children, herds, and household goods, was the first of the overland pilgrimages which were to become so characteristic of American life.

**125.** The inspirer of this movement was Thomas Hooker, pastor of Newtown. Hooker became to Connecticut even more than

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<sup>1</sup> Some instances of Watertown and Dorchester democracy have been given (§§ 90, 102, 104). With regard to Newtown, it was said that the people there "grew very jealous of their liberties" soon after the arrival of their pastor Hooker, from England.

Cotton to Massachusetts. These two great leaders were widely different in their lives and feelings. Cotton belonged to the aristocratic English gentry. Hooker's father was a yeoman. He himself had been a menial "sizar"<sup>1</sup> at Cambridge University, and his wife had been a ladies' maid. By birth and association, as well as by conviction, he was a man of the people.<sup>2</sup>



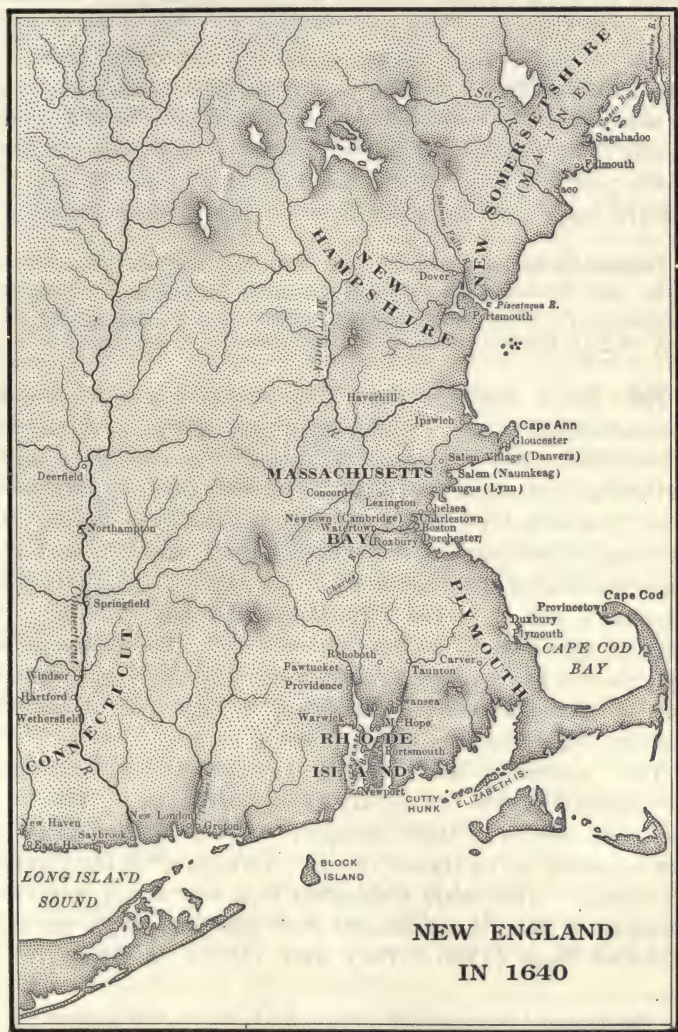
OLD GRIST-MILL, NEW LONDON, CONNECTICUT. Built in 1645.

Over against the aristocratic doctrines of the great Massachusetts leaders, Hooker stated admirably the case for democracy. Winthrop wrote to him that democracy was "unwarrantable" because "the best part is always the least, and of that best part the wiser part is always the lesser"; but Hooker replied: "In matters . . . that concern the *common* good, a general council

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<sup>1</sup>This term will be familiar to students who know *Tom Brown at Oxford*.

<sup>2</sup>Sixty years later, the gossipy Cotton Mather insinuated that Hooker instigated the Connecticut migration because he was jealous of Cotton's fame in Massachusetts. This seems to be a wholly gratuitous slander, without a particle of evidence back of it, — although many later writers have repeated it.



*chosen by all, to transact business which concerns all, I conceive . . . most suitable to rule and most safe for relief of the whole."* Winthrop and Cotton taught that the magistrates' authority had divine sanction. Hooker preached a great political sermon to teach that (1) "the foundation of authority is laid in *the consent of the governed*"; (2) "the choice of magistrates belongs to the people"; and (3) "those who have power to appoint officers, have also the right to *set bounds to their authority*."

Democratic theory found here its first clear expositor in America. Fiske calls Hooker "the father of American democracy." Alexander Johnston says, "It is under the mighty preaching of Thomas Hooker . . . that we draw the first breath of that atmosphere now so familiar to us."

**126.** For a time the three Connecticut towns kept their Massachusetts names. Later, they were known as Hartford, Wethersfield, and Windsor. At first they recognized a vague authority in commissioners appointed over them by Massachusetts; but each town managed freely its own local affairs, and, in 1639, an independent central government was provided by a mass meeting of the inhabitants of the colony. This gathering adopted a set of eleven "**Fundamental Orders**" — "the first written constitution" in the modern sense.<sup>1</sup> The document set up a plan of government similar to that which had been worked out in Massachusetts, *emphasizing, however, all democratic features found there and adding a few of its own.*

The "supreme power of the Commonwealth" was placed in a "Generall Courte" of deputies and magistrates.<sup>2</sup> The deputies were chosen by their respective towns. The magistrates corresponded to the Massachusetts "Assistants" or the Virginia "Council." They were nominated in a way which was more democratic than Massachusetts *then* used but which was soon imitated there (§ 99). They were elected at a "Courte of

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<sup>1</sup> The document deserves study (*Source Book*, No. 93, with comment).

<sup>2</sup> They sat in one House until 1698. The constitution, however, guaranteed to the deputies the right of caucusing by themselves (as had then come to pass in Massachusetts), and the power to judge of their own elections.

Elections," for one year only, by papers, just as like officers in Massachusetts had been chosen since 1635.

The governor held office for one year only, and *he could not serve two terms in succession*.<sup>1</sup> He had no veto, and in two other respects he lacked authority usually possessed by an English executive: (1) *the General Court could not be dissolved except by its own vote*; and (2) *it could be elected and brought together, on occasion, without the governor's summons*. The right of the General Court is expressly asserted to "call into question" magistrate or governor, and even (in modern phrase) to "recall" them during their short term of office.

The franchise was never restricted to church members, as in Massachusetts. At first, any one whom a town allowed *to vote in town meeting* could vote also in the *General Court of Elections*. That is, the towns fixed not only the *local*, but also the *general* franchise. But in 1659 the General Court ordered that thereafter no one should vote for governor or for members of the General Court unless he were possessed of thirty pounds' worth of property, real *or* personal. Even in democratic Connecticut this property qualification stood, with slight change, until long after the American Revolution.

**127. Connecticut did not reject theocracy.** Hooker believed in a Bible commonwealth as zealously as Cotton did, though he understood his Bible differently on political matters. The governor had to be a member of a church; the preamble of the Orders states the first purpose of the government to be the maintaining of "the discipline of the churches, *which according to the truth of the gospell is now practiced amongst us*"; and the first-code of laws, in 1650, authorizes the government "to see [that] the force, ordinances, and rules of Christe bee observed in every Church according to his word." The General Court placed ministers, defined their powers, and even decided who should be admitted to the sacraments.

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<sup>1</sup> The democratic party had tried in vain to establish this rule by practice in Massachusetts (§ 93, note).

FOR FURTHER READING. — Straus' *Roger Williams* and Walker's *Thomas Hooker* are admirable short biographies.

EXERCISE. — When did Massachusetts get a two-House legislature? What forms *between* a one-House and two-House plan were tried? While the two orders sat together, what were the chief matters of difference between them? By what different devices was a union of church and state maintained? Give instances of political influence by Massachusetts ministers. Find ten men mentioned in chapter xiii whose names and work are worth remembering; and place each one clearly in a few words. Distinguish between the ideals of Massachusetts, Connecticut, and Rhode Island. Distinguish between the ideals of Connecticut and Plymouth. What powers have been mentioned as exercised in Massachusetts which were not authorized by the charter of 1629? Name four limitations upon the usual power of a colonial governor in the Connecticut Fundamental Orders. How many of the "theme sentences" at the head of chapters or divisions can you repeat? What other phrases or passages in your reading have you found worthy of exact memorizing? Note instances in the history so far of the aristocratic classes trying indirectly to regain power which they had agreed to surrender. What distinction can you make, for Massachusetts history, between the colonial franchise and the local franchise? If the class have access to the *Source Book*, let members phrase questions based upon material found there and not covered in this text, — especially as to town government.

Let each member of the class make a list of ten questions on New England for brief answers by others of the class.

## CHAPTER XV

### THE NEW ENGLAND CONFEDERATION

128. The New England colonies had hardly established themselves in the wilderness before they began a movement toward federal union. The Connecticut valley was claimed by the Dutch New Netherlands. Moreover, the English settlers in the valley found themselves at once involved in war with the Pequod Indians. Connecticut felt keenly the need of protection by the other English colonies; and, in 1637, Hooker (present at Boston for the synod that condemned Mrs. Hutchinson)<sup>1</sup> proposed to Massachusetts a federal compact.

For the moment the negotiations fell through because of States-rights jealousy. Much as Connecticut feared Dutchman and Indian, she feared interference in her own affairs hardly less, and hesitated to intrust any real authority to a central government. But, in 1643, commissioners from Massachusetts, Connecticut, New Haven (§ 120), and Plymouth met at Boston, and organized *the New England Confederation*.

Rhode Island and the New Hampshire towns asked in vain for admission to this union. The leaders of Massachusetts were wont to refer to Rhode Island as "that sewer"; and regarding the exclusion of New Hampshire, Winthrop wrote: "They ran a different course from us, both in their ministry and civil administration . . . for they . . . had made a tailor their mayor and had entertained one Hull, an excommunicated person, and very contentious, to be their minister."

*The date* (1643) suggests an important relation between English and American history. The union of the colonies without sanction from England was really a serious defiance of authority. The United States would not permit such a subordinate union between a group of the States to-day. But war had just broken out in England between King Charles and the

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<sup>1</sup> Observe, a sort of church union preceded political union.

Puritans. Accordingly, the colonies could excuse themselves (as they did) on the ground of necessity, since the home government was temporarily unable to protect them; while really they were influenced still more by the fact that *it could not interfere*. The preamble to the Articles states all other motives for the union admirably, but, naturally, it omits this last consideration. This is an illustration of the fact that official "sources" sometimes omit the most significant matters,—which the historian must read in, between the lines.

**129. The Articles of Confederation** (*Source Book*, No. 94) established "a firm and perpetual league." For matters of com-

4. If in your journey to or fro, any Commission will  
 necessary be wanting, we hereby give direction  
 officers in any plantation within the severall Jurisdiction  
 they provide or press, that the said be not hindered  
 understood that the severall Commissions as magistrates  
 ly exercise authority within their Jurisdiction to

*John Cullick* *John Rathorne*  
*Theoph. Eaton* *William Bradford*  
*John Atwood* *John Browne*

SIGNATURES OF THE COMMISSIONERS, 1653. Massachusetts State Archives.

mon concern, a congress of eight commissioners, two from each of the four colonies, was elected annually. These commissioners had "full power from their severall Generall Courtes respectively" to determine upon war or peace, divide spoils, admit new confederates, and to manage

"all things of like nature, which are the proper concomitants or consequents of such a Confederation for amity, offence, and defence, *not intermeddling with the Government of any of the Jurisdictions, which . . . is reserved entirely to themselves.*"

The vote of six commissioners was to be final in all matters; but if in any case six could not agree, then the matter was to

be referred to the several colonial "Courts" for negotiation between them. Special provision was made for the surrender of fugitive criminals or "servants" escaping from one colony to another and for *arbitration* of differences that might arise between any two colonies of the union.

**130.** This document compares well with the constitution of any earlier confederation in history. Its weak points were common to all previous unions. *The greatest difficulty arose from the fact that one of the confederates was much larger than the others.* Each of the three smaller colonies had about three thousand people: Massachusetts alone had fifteen thousand. Consequently she bore *three fifths of all burdens*, while she had only *a fourth share in the government*. The Bay Colony made an earnest demand for *three* commissioners, but the smaller states unanimously resisted the claim.

**131.** Under these conditions, **Massachusetts became dissatisfied.** In 1653, six of the federal commissioners voted a levy of 500 men for war upon New Netherlands. Massachusetts felt least interested in the war, and her General Court refused to furnish her 300. In the language of later times, she *nullified* the act of the federal congress (*Source Book*, Nos. 95, 96).

After this, the commissioners were plainly only an advisory body. In 1662-1664, the absorption of New Haven by Connecticut weakened the Confederation still further; and it finally disappeared when Massachusetts lost her charter in 1684 (§§ 147 ff.).

## PART II

### COLONIAL AMERICANS

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#### CHAPTER XVI

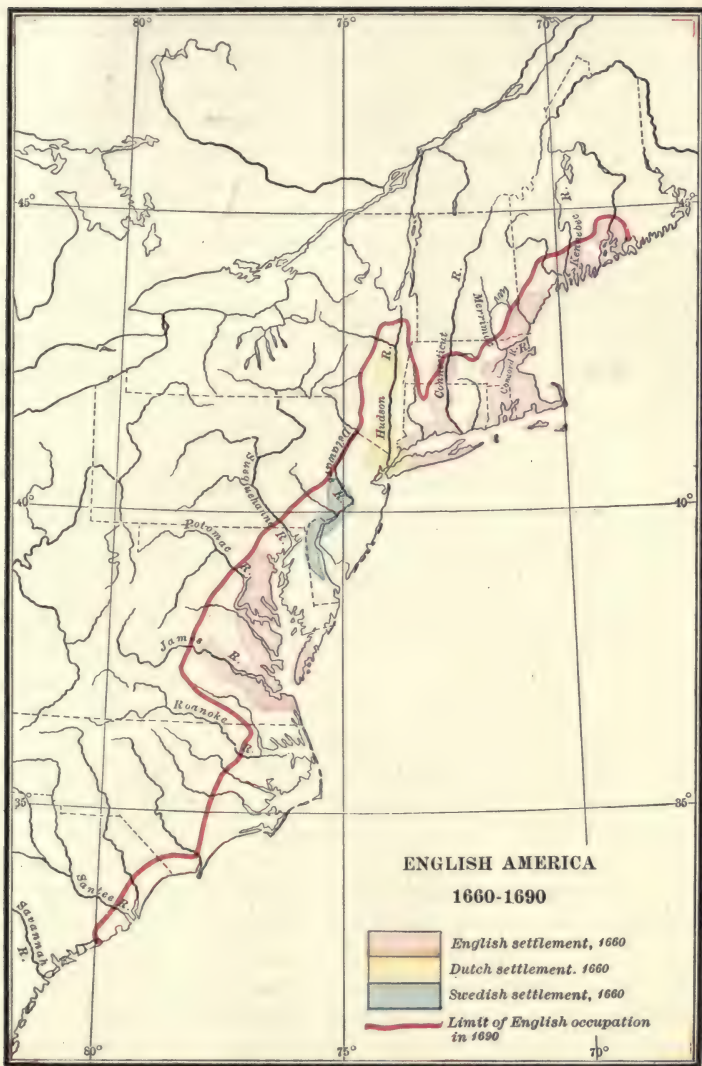
##### THE STRUGGLE TO SAVE SELF-GOVERNMENT (1660-1690)

###### I. THE COLONIES AS A WHOLE

**132.** The years 1660-1690 are a distinct period in colonial development. The first mark of the period is a vast expansion of territory. In 1660 the English held two patches of coast, one, about the Chesapeake, the other, east of the Hudson. The two districts were separated by hundreds of miles of wilderness and by Dutch and Swedish possessions. And for more than twenty years no new English colony had been founded.

Thirty years later the English colonies formed an unbroken band from the Penobscot to the Savannah. To the south of Virginia the Carolinas had been added (1663); to the north of Maryland appeared the splendid colony of Pennsylvania (1681); while the rest of the old intermediate region had become English by conquest (New York, New Jersey, and Delaware). All the colonies, too, had broadened their area of settlement toward the interior. Population rose from 60,000 in 1660 to 250,000 in 1690.

**133.** This transformation, from isolated patches of settlement into a continuous colonial empire, brought home to English rulers the need of a uniform colonial policy. Charles I had had a "Colonial Council," but it exercised little real control. In 1655, when Cromwell took Jamaica from Spain, one of his officials drew up certain "Overtures touching a Council





to be erected for foraigne Plantations." This paper suggested various measures to make the colonies "*understand . . . that their Head and Centre is Heere.*" After the Restoration, Charles II incorporated much of the document in his "Instructions" to a new colonial council (§ 134).

**134.** This "Council for Foreign Plantations" contained many of the greatest men of the time. It was instructed to study the state of the plantations and the colonial policies of other countries; to secure copies of the colonial charters and laws; and to have a general oversight of all colonial matters. In particular it was to endeavor "that the severall collonies bee drawn . . . into a more certaine, civill, and uniform waie of Government and distribution of publick Justice, *in which they are at present scandalously defective.*"

In 1674 the first "Council for Foreign Plantations" was succeeded by the "*Lords of Trade,*" and in 1696 by the "*Board of Trade and Plantations.*" During the period that we are now considering, the Council was hard-working, honest, and well-meaning; but it was ignorant of the affairs, and out of touch with the people, that it was trying to rule. It strove to get three results: (1) *uniformity and economy* in colonial administration; (2) *better military defense*; and (3) *new commercial regulations* (§ 138).

**135.** European countries valued colonies (1) as a source of goods not produced at home (§ 39), and (2) as a sure market for home manufactures. So **each colonizing country adopted "navigation acts"** to restrict the trade of its colonies exclusively to itself. Without this prospect, it would not have seemed worth while to found colonies at all. By modern standards, all these commercial systems were absurd and tyrannical; but *the English system was more enlightened, and far less selfish and harsh, than that of Holland or France or Spain.*

**136.** At the other end of the scale was Spain.<sup>1</sup> For two hundred years *all* commerce from Spanish America could pass

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<sup>1</sup> This paragraph is condensed from the admirable account in Bernard Moses' *Establishment of Spanish Rule in America*, 20-26 and 285-292.

to the outer world only through Spain, and *through only one Spanish port*,—first Seville, and afterward Cadiz. Worse still, until 1748, goods could be imported from Europe through only the one favored port in Spain, and (for all the wide-lying New Spain in North and South America) *to only two American ports, and at special times*. Two fleets sailed each year from Spain,—one to Porto Bello on the Isthmus, *for all the South American trade*; the other to Vera Cruz in Mexico. *All other trade*, even between the separate Spanish colonies, *was prohibited under penalty of death*. From the most distant districts,—Chile or Argentina,—goods for export had to be carried to Porto Bello to meet the annual fleet. Then was held a forty-days' fair, to exchange the European imports for precious metals, tropical woods, and hides.

By this arrangement, in many parts of South America, the prices of European goods were increased to five or six times the natural amount, while the products with which the colonies paid were robbed of value by the cost of transportation. The cattle raised on the vast plains of the Argentine could reach a lawful market only by being carried across the continent to Peru, thence by sea to Panama, again across the Isthmus to Porto Bello, and (one chance a year) from that port to Seville. In the early years of the eighteenth century, at Buenos Aires, an ox was worth a dollar, and a sheep three or four cents,—and values had risen to this point only because some contraband trade had sprung up, in spite of the terrible penalties.

To go from Spain to America, except to a few favored places, was not merely to go into exile, but to renounce civilization. *The restrictions on trade prevented the colonists from starting with the achievements of European civilization, and drove them back, in many cases, to the barbarism of the natives.*

**137.** Compared with that sort of thing, England's policy was modern. Her statesmen did not aim, consciously, to benefit the home country *at the expense of the plantations*. They strove to make *the parts of the empire helpful to one another*, so that the empire as a whole might be self-supporting,—*independent of the rest of the world* in industry and economics. In large measure they wished this system of tariff "protection" for the

*industries* of the empire as a means toward *military* protection — like American statesmen after the war of 1812 (§ 507).

**138.** *As a continuous system*, the English policy began with the "**First Navigation Act**" of 1660. This law had two purposes. The original one was semi-military, to **increase the shipping of the empire**. Until this time, most European goods, even most English goods, had been carried to the colonies by Dutch vessels. England's navy had sunk low. But the safety of the island and of her colonies rested upon command of the seas. In that day, trading vessels were easily turned into war vessels; and to build up a merchant marine was a natural measure for naval protection. Accordingly this law provided *that all trade between England and the colonies should be carried only in ships owned, and, for the most part, manned, by Englishmen or colonials.*<sup>1</sup>

*This part of the Act was highly successful.* Holland's carrying trade, and her naval supremacy, received a deadly blow. Nor did this part of the law discriminate against the colonies in the interest of England. Rather it directly benefited them, especially the northern ones. *Temporarily*, trade suffered from lack of ships, and from consequent high freights; but the Act *created the great shipbuilding industry of New England*. In less than twenty years the colonies were selling ships to England. By 1720 Massachusetts alone launched 150 ships a year, and the shipbuilders of England were petitioning parliament, *in vain*, for protection against this invasion upon their ancient industry. *The carrying trade* of the empire also passed largely into the hands of New Englanders; and *this trade was protected by the English war navy*, to which the colonists contributed only a few masts from their forests.

*A second part of the law* (added at the last moment by amendment) somewhat **restricted exports**. Sugar, tobacco, cotton-wool, ginger, and dyewoods, were thereafter to be carried from a

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<sup>1</sup> ". . . ships which truly . . . belong to the people of England or Ireland . . . or are built of and belonging to *any of the said Plantations or Territories* . . . and whereof the master and three fourths of the mariners at least are *English*." The word "English" always included the colonials, and it was specifically defined in this sense by a supplemental Navigation Act two years later (*Source Book*, No. 100, a, and note).

colony *only to England or another English colony*. These "enumerated articles" were all semi-tropical. New England could still send her lumber, furs, fish, oil, and rum to any part of the world — if only they were carried in her own or English ships. Tobacco was the only "enumerated article" produced *for export* at that time on the continent of North America; *and for the restriction on tobacco, England gave an offset*. She forbade her own citizens to raise tobacco, or import it from foreign colonies, *so giving Virginia and Maryland a monopoly of her market*.

American students find it hard to remember that the navigation laws were adopted mainly with a view to the English West Indies, not with regard to the colonies that grew later into the United States. In 1697 Jamaica alone had more commerce with England than all the continental colonies together north of Virginia, while the West Indies, Maryland, and Virginia (the sugar and tobacco colonies) had seven times as much English trade as all the other colonies.

**139. The import trade was first restricted by the Navigation Act of 1663.** Thereafter, it was ordered, *all European goods must pass to the colonies only through English ports*. This act was designed to keep colonial trade from falling into the hands of other countries. It increased the profits of English merchants; but, *to guard the colonists against paying double taxes*, a rebate of the English import duties was allowed on all goods reshipped for the colonies.<sup>1</sup>

**140. This was as far as the system went until after 1690.** (1) *The subtropical colonies could export their products only to England or other English colonies*; (2) *all imports to all colonies must come through England*; (3) *all ships in the colonial trade must be English or colonial*.

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<sup>1</sup> In 1660 tariff duties both for the colonies, and for England, had been imposed on a long list of goods. *In the colonies, however, this Act was always practically a dead letter*. There was no proper machinery to enforce it; and no serious attempt was made to do so. Whenever the restrictions were seriously troublesome, they were *evaded by smuggling*. In 1700, it is estimated, one third the trade of New York was in smuggled goods.

A Massachusetts ship could still carry any product of that colony to any part of the world, exchange for goods there, carry these goods to England, and then "reship" them for an American port, or exchange them for other European goods in the English markets, to be then carried to America. Says Channing (*United States of America*, 32): "It is impossible to say whether the net result of this system . . . was in favor of Great Britain or the colonies."

FOR FURTHER READING.—The best brief treatment of the general phases of this period is Andrews' *Colonial Self-Government*, 3-40. See also Channing's *History of the United States*, II, 1-13.



A TYPICAL ENGLISH TRADING VESSEL OF COLONIAL TIMES. The Schooner "Baltick" coming out of St. Eustatia, Dutch West Indies, November, 1765. From a water color now in the Essex Institute, Salem, Mass.

## II. NEW ENGLAND, 1660-1690

141. Charles II found himself beset with accusations against Massachusetts. In 1656 Quakers had appeared in that colony. Three, who persisted in returning after banishment, had been hanged, while several others, women among them, had been

flogged brutally. The Quakers complained to Charles, and in 1660 he ordered the colony to send all imprisoned Quakers to England for trial. But the men of Massachusetts *were resolved to permit no appeal from their own courts*. They chose rather to empty the jails, and drop the persecution.

Afterward, for a time, the persecution was renewed, with Charles' approval, but no more executions took place. Imprisonments and whippings were the common fate of Quakers in England and in all the colonies of that time except Rhode Island. These Quakers, of course, were not the quiet, sober brethren of later times: many of them were half-mad fanatics. "It *was* a little hard," says Lowell, "to know what to do with a woman who persisted in interrupting your honored minister in his sermon, calling him Priest of Baal, and breaking empty bottles over his head" (in sign of his emptiness). None the less, the three executions remain a bloody blot on the fame of Massachusetts. Nowhere else was a death penalty inflicted by law. It does seem a little strained, however, to speak, as a recent historian does, of "wholesale hangings" of Quakers in Massachusetts. (*The Source Book*, No. 88, gives some interesting documents from the Quaker side.)

The King was irritated also by learning that Massachusetts had usurped the right to coin money (the famous "Pine Tree



A PINE TREE SHILLING. From the original in the Collections of the Massachusetts Historical Society. The *XII* means *twelve pence*. Note the spelling of "Massachusetts." There is no allusion to England's authority.

Shillings") during the Commonwealth, and that two of the "regicide" judges who had passed sentence on his father were still sheltered in New England. Worst of all, perhaps, the Bay Colony disregarded the Navigation Acts, and, in 1661, even adopted a daring resolution styling such

legislation "an infringement of our rights."

**142.** For the moment, Charles contented himself with demanding (1) that an oath of allegiance be taken in the colony; (2) that the Episcopalian service be permitted; and (3) that the fran-

chise be extended to all men "orthodox in religion and of competent estate." The colony complied with the first demand, ignored the second, and evaded the third. An act of General Court did provide that a non-churchmember might be made a freeman, *if his good character were testified to by the minister of his town* and if he paid a ten-shilling "rate" (*local tax*). But the Puritan ministers gave few such certificates to those outside their own folds, and few men were then called upon to pay ten shillings in a single rate. So the number of freemen did not much increase.

**143. Connecticut, New Haven, and Rhode Island** had no legal standing in England. The people were squatters, and the governments unauthorized. Now that order was restored in England, it was plain that something must be done to remedy this condition; and **all three colonies sent agents to England to secure royal charters.**

**144. Connecticut and Rhode Island were successful almost beyond belief.** They were left with self-government nearly as complete as before. In neither colony did the crown appoint the governor or any other important official. This remarkable liberality was due partly to the careless good nature of Charles in the early portion of his reign; partly to an enthusiasm among English officials just then for the colonies; and partly, perhaps, to a willingness to build up other New England governments so as to offset the stiff-necked Bay Colony.

All that the Massachusetts charter had become, — this and more these new charters were from the first. They made the settlers a "corporation upon the place," and sanctioned democratic self-government (*Source Book*, Nos. 97, 98). With good reason they were cherished and venerated. At the time of the Revolution they received the name of constitutions; and they continued in force, *without other alteration*, in Connecticut until 1818, and in Rhode Island until 1842.

A glance at the map on page 107 shows sufficient reason why New Haven and Connecticut should not both receive charters. The question was which should swallow the other. New Haven used little diplomacy in her

negotiations;<sup>1</sup> and possibly she was too much of the Massachusetts type to find favor in any case. Her territory was included in the Connecticut grant. *This began the process of consolidation* which was soon to be tried on a larger scale.

**145. Friction with Massachusetts continued.** Episcopalians there complained still that for thirty years they had been robbed of civil and religious rights. So in 1664 Charles sent commissioners to regulate New England and to conquer New Netherlands from the Dutch—with whom England was at war. In their military expedition the commissioners were entirely successful. Connecticut, Rhode Island, and Plymouth then recognized their authority cordially, and even permitted them to hear appeals from colonial courts; but Massachusetts still gave them scant welcome.

**146. The matter of appeals** (§ 141) was a chief point in the commissioners' instructions. It was to be the means of enforcing royal authority. But in Boston, they were completely thwarted. After weeks of futile discussion, they announced a day when they would sit as a court of appeals. At sunrise on that day, by order of the Massachusetts magistrates, a crier, with trumpet, passed through the town, warning all citizens not to recognize the court. No one ventured to disobey the stern Puritan government, and the chagrined commissioners returned to England.

**147. There the commissioners at once recommended that Massachusetts be deprived of its charter.** But the next year the victorious Dutch fleet was in the Thames. Then came the great London fire and the plague. The Colonial Board did repeatedly order Massachusetts to send an agent to England to arrange a settlement; but the colony procrastinated stubbornly, and for ten years with success. In 1675, however, the great Indian outbreak, known as King Philip's War, weakened Massachusetts. Just at this time, too, Charles, entering upon a more despotic period at home, began to act

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<sup>1</sup> See Johnston's *Connecticut* for material for an interesting report.

more vigorously toward the colonies; and in 1684 the highest English court declared the charter of 1629 forfeited and void.

**148. The Lords of Trade** (§ 134) had decided that to have so many independent governments "without a more immediate dependence upon the crown" was "prejudicial" to England's interest; and they drew up a plan for the union of Massachusetts, Plymouth, and the Maine and New Hampshire towns, under one royal governor-general.

They would gladly have included Connecticut and Rhode Island in the plan, *and so consolidated all New England into one province*, but charters stood in the way; and, unlike Massachusetts, the two smaller colonies had given little excuse for legal proceedings against them. Still, when Charles died in 1685, James II forced the consolidation, in spite of the charters. He appointed Sir Edmund Andros governor-general of all New England, and instructed him to set aside the governments of Connecticut and Rhode Island by force.

**149. The original plan** of the Lords of Trade had provided *one elected legislature* for New England. **James struck out this clause**, leaving the government despotic<sup>1</sup> as well as unified. He also once more extended the territory to which the plan should apply. He was already proprietor of New York and New Jersey (§ 171), and these colonies were soon united with New England under the rule of Andros.

**150. Andros was a bluff, hot-tempered soldier.** He was commander of the soldiery he brought with him and of the militia; and, with the consent of an appointed council, he was authorized to lay taxes, make laws, administer justice, and grant lands. His management of military affairs was admirable, and he saved New England from serious Indian danger; but the colonists gave him scant credit. In other matters, naturally, he clashed violently with the settlers.

He insisted that Episcopal services should be held on at

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<sup>1</sup> This was done despite the declaration of the attorney-general in England that the colonists had the right "to consent to such laws and taxes as should be made or imposed on them."

least part of each Sunday in one of the Boston churches. To the Puritans this was a bitter offense. Land titles, too, were a fruitful source of irritation. In granting lands, the colonies had paid little attention to the forms of English law or to proper precaution against future confusion (*Source Book*, No. 89). Andros provided for accurate surveys, and compelled old holders to take out new deeds, with small fees for registration. He treated all the common lands, too, as crown land.

More serious was **the total disappearance of self-government and even of civil rights**. Andros ordered the old taxes to be continued. Some Massachusetts towns resisted; and at Ipswich a town meeting voted that such method of raising taxes "did infringe their liberty as free-born English subjects." The offenders were tried for "seditious votes and writings," not before the usual courts, but by a special commission. The jury was packed and was browbeaten into a verdict of guilty, and leading citizens who had dared to stand up against tyranny were imprisoned and ruinously fined.

**151. This absolute government lasted two years and a half.** *Massachusetts was getting ready to rebel*; but under ordinary conditions a rising would have been put down bloodily. Thanks to the "Glorious Revolution" of 1688 in Old England,<sup>1</sup> the rising when it came was successful and bloodless.

In April, 1689, came the news that James II was a fugitive. The new king, William of Orange, had issued a "Declaration," inviting all boroughs in England, and all officials unjustly deprived of charters and positions by James, to resume their former powers. The colonists assumed that this sanctioned like action by them also. The people of Boston and neighboring towns seized a war vessel in the harbor, imprisoned Andros, and restored the charter government. Connecticut and Rhode Island also revived their former charters.

**152. William III would have been glad to continue part of the Stuart policy in America.** He wished, so far as possible, *to consolidate small jurisdictions into large ones, and to keep the*

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<sup>1</sup> *Modern World*, § 455.

governor and judges in each colony dependent upon himself. The Connecticut and Rhode Island charters stood in the way of a complete rearrangement of this sort; and the King's lawyers assured him that those grants still held good, — since the legal proceedings against them had never been completed. Massachusetts did not fare so well. Her charter had been formally surrendered. The colony strove skillfully<sup>1</sup> to obtain a regrant of the original patent; but the best it could do was to accept a new one.

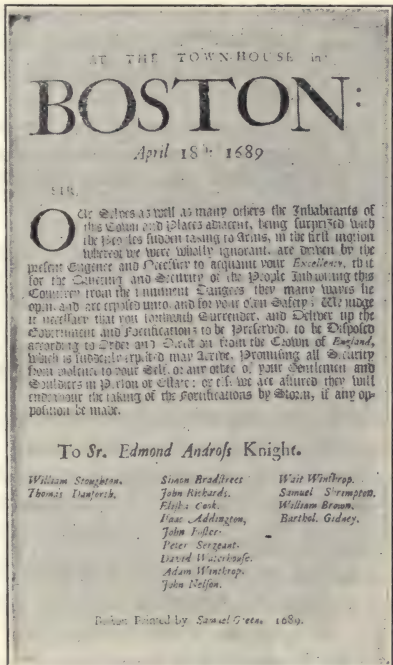
**153. The Charter of 1691** (*Source Book*, 110, b) created a government for Massachusetts more like that of Virginia than like that of Connecticut. Six features may be noted.

The crown appointed and removed the governor.

The Assembly nominated the Council, but these nominations were valid only after the governor's approval.

The governor could *adjourn* or *dissolve* the Assembly at will; and he, and the crown, held an *absolute veto* upon all its acts.

<sup>1</sup> To conciliate William, the promised reform in the franchise was at last made effective. The certificate of a clergyman as to the applicant's fitness was not required, and the taxpaying qualification was reduced from ten shil-



## BOSTON'S SUMMONS TO ANDROS.

From Massachusetts State Archives.

The first signer was the minister who, soon after, spoke the words quoted at the head of page 66 above.

The higher judiciary were appointed by the governor; and appeals to the king in council were provided for, in cases where the sum in dispute amounted to £300.

Religious freedom for all *Protestant* sects was promised.

The franchise was placed upon a property basis. All men owning land of forty shillings annual value, or possessing forty pounds in personal property, became voters.

The last two provisions in great measure overthrew the old theocracy; the first four to all practical intents made Massachusetts a royal province. At the same time, *Maine, Plymouth, and Nova Scotia were included in the Massachusetts jurisdiction.*

FOR FURTHER READING on New England from 1660 to 1690, excellent material will be found in Andrews' *Colonial Self-government* (41-73, 252-272) and in Channing, II (65-79, 156-185).

### III. VIRGINIA, 1660-1690<sup>1</sup>

**154.** During the Commonwealth, many of the dispossessed royalist gentry turned their faces toward the New World, — as the Puritans had done in their hour of gloom a generation earlier. At the Restoration, the royalists who were still in England expected to get back the lands they had lost. But the great majority were disappointed of this hope, and so the movement to America received new impetus. Practically all this emigration went to Virginia. Between 1650 and 1670, the population of that colony rose from 15,000 to 40,000; and more than half of this increase came from immigration.

**155.** This migration ranks in importance side by side with the earlier ten-year Puritan movement. It made Virginia the land of the Cavaliers. In this period, there appeared in America the ancestors of the Virginia Harrisons, Lees, Masons, Madisons, Marshalls, Monroes, Nelsons, Nicholases, Pages, Peytons, Pendletons, Randolphs, Wythes, Washingtons.

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lings to four. Then, in a few weeks, 909 new freemen were admitted — *more than in the preceding sixteen years.*

<sup>1</sup> Reread §§ 25-49 before taking up this Division.

These country gentry fitted easily into the rural society of Virginia. There they became an attractive and lovable set of leaders. They were somewhat less active intellectually than the Puritan leaders, less stimulated by the friction of town life and by religious controversy, and less inclined to mark out new ways in state or church. But they were robust, dauntless, chivalrous, devout, and deeply imbued with the best tradition of the best part of England (*rural* England) in England's most heroic century. The earlier migration to Virginia had given that colony a noble history; but it was this Cavalier immigration of the fifties and sixties which a century later flowered into Virginia's splendid galaxy of Revolutionary patriots, and, a little later still, justified to the Old Dominion her proud title, "Mother of Presidents."

The party epithets, Cavalier and Roundhead, should not blind us to the close likeness between the gentry elements in Massachusetts and Virginia. The "Cavalier" emigrants were not graceless, riotous hangers-on of the court, slavishly subservient to despotism, as they are sometimes pictured. They were God-fearing, high-minded gentlemen, who had loved liberty only a degree less than they had feared anarchy, — men of the same social stamp and habits of thought as the Winthrops, Dudleys, and Humphreys of the Bay Colony, and the Hampdens, Pymms, and Eliots in England, with whom they had stood shoulder to shoulder for a generation of constitutional struggle before the Civil War, and from whom they separated at last with mutual grief when the great war came.

**156. The first effect of the Cavaliers on politics in Virginia was bad.** In 1660 a new Assembly was elected, and the wild enthusiasm for the Restoration filled it with Cavalier hot-heads. Since 1628, a new Assembly had been chosen at least once in two years; but, by an arbitrary stretch of power, Governor Berkeley (§ 49) kept this unfit Cavalier Assembly alive, without a new election for sixteen years — much as his royal master in England did with his unfit Cavalier Parliament. Moreover, Berkeley, in this second term, was an old man, tortured by ill-health, arrogant, peevish, vindictive, — an easy tool for a ring of greedy favorites. His long administration, from

1660 to 1677, was a period of misgovernment and political reaction.

**157.** With the Restoration, *governor and Council ceased to be elective* (§ 48). Berkeley received a commission from King



SIR WILLIAM BERKELEY IN MIDDLE AGE.

From a portrait owned by Mrs. Margaret Du Pont Lee of Washington, D. C.

Charles; and this, he felt, freed him from the restrictions the Assembly had placed upon him (§ 49). According to the royal instructions, he *resumed the absolute veto and the power to dissolve and call Assemblies at his will*.

These changes put the government back where it was before the Commonwealth. But this was not all. A law of 1670 *took the right to vote from all but landowners* ("freeholders").

The franchise in Virginia had been exceedingly liberal. All free White males had had

votes, — including former servants when their terms had expired. In 1655, indeed, a law was passed restricting the right to "householders," but it was repealed the next year on the ground that it was "hard and unagreeable to reason that any shall pay equal taxes and not have a voice in elections." (*Source Book*, No. 35; cf. also No. 105 for the law of 1670.)

**158.** So far we have considered changes only in the "central government." In local government, the loss was even more serious. The county raised local taxes and expended them, and it passed "by-laws" of considerable importance.<sup>1</sup> Until

<sup>1</sup> In 1632 the county became the unit for the choice of representatives to the General Assembly. On the other local unit, the *parish*, see *American History and Government*, § 103.

the Restoration these things were done in the county court, — a meeting of all free White males; but now most of these powers were transferred from the open court to a Board of eight "Justices" in each county, *appointed by the governor* from the more important landowners. Other men could still come to the county courts as spectators, but their political power was limited to casting a vote now and then in the election of a new Assembly.

Along with this political reaction went many other serious faults. Taxes were exorbitant, and were expended wastefully. There was much unjust "class legislation," such as the exemption of Councilors and their families from taxation. The sheriffs (appointed by the governor on the advice of the county justices) and other law officers charged oppressive fees for simple and necessary services. The governor granted to his favorites vexatious trade monopolies, which robbed the people.

**159.** The 40,000 inhabitants of 1670 included 2000 Negro slaves and 6000 White bond servants.<sup>1</sup> There were also several thousand ex-servants who had not acquired land and who remained as laborers on the plantations of their former masters. The rest of the population consisted of a few hundred large planters and a large body of small planters.

**Discontent was chronic in the servant class; and now the small planters also were restive.** They were practically unrepresented, and they felt rightly that they were overtaxed and discriminated against. The navigation laws intensified their grievances. The lack of vessels enough to transport tobacco to the English market did not much hurt the large planters, whose crops would be taken care of first; but, for a time, the small planter often found his entire crop left on his hands, or (if he shipped at all) his small profits were eaten up by the increased freights.

**160.** These conditions led to the first "rebellion" in America. The *occasion* was an Indian outbreak which Berkeley's inefficient government let go without check. Finally the savages

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<sup>1</sup> Cf. *Source Book*, No. 104 (Berkeley's *Report of 1671*).

ravaged an outlying plantation of Nathaniel Bacon, an energetic young planter. Bacon raised troops and punished the Indians terribly in two campaigns; but Berkeley declared the young captain and his followers rebels, because they had secured no commission for military action.

There followed an obscure quarrel over a commission extorted from the governor; and this quarrel merged into a civil war. From a valiant Indian fighter, Bacon was suddenly transformed into a popular champion and a democratic hero. Finding arms in their hands, he and his party tried to use them for social and political reform. "Bacon's Rebellion" became a rising against "special privilege." The *fundamental cause* was not discontent at the inefficiency of the government against the Indians, but *social discontent*.



RUIN OF THE JAMESTOWN CHURCH. From a photograph. Jamestown was burned during Bacon's Rebellion, and was never rebuilt. This ruined tower is all that remains.

Berkeley was deserted. During much of the struggle, he could hardly muster a corporal's guard. The aristocracy, however, did not join Bacon. They were too much opposed to rebellion, and too jealous toward the democratic features of the movement;

so they simply held aloof from either side. But Bacon was supported by the great body of small planters, especially in the western counties.

These sturdy, honest people were vilified, of course, especially after the failure of the rebellion, by aristocratic contemporaries. One Virginian gentleman refers to them as "Tag, rag, and bobtail." Another declared that Bacon "seduced the Vulgar and most ignorant People (two thirds of each county being of that Sorte) Soe that theire whole hearts and hopes were set upon him." Another describes the rebels as "a Rabble of the basest sorte of People whose condicion was such as by a chaunge could not admitt of worse . . . not 20 in the whole Route but what were Idle and will not worke, or such whom Debaucherie or Idle Husbandry has brought in Debt beyond hopes or thought of payment . . . who, for the Ease of the Poore, will have no taxes . . . [and] talk openly of shareing men's Estates."

When the rebellion began, popular clamor forced the governor to dissolve his fossilized Assembly. In the election of a new one, the restrictions upon the franchise were largely ignored, and a democratic body was chosen. One peevish gentleman declared, "Such was the prevalency of Bacon's Party that they chose, instead of Freeholders, Free men that had but lately crept out of the condition of Servants (which were never before Eligible) for their Burgesses."

**161. The new Assembly is known as Bacon's Assembly, and its admirable attempts at reform are called Bacon's Laws.** *Manhood suffrage* was restored; a *representative* Board was established in each county to act with the Justices in all matters of taxation and local legislation; the *exemptions* of the privileged families were abolished; *fees* were strictly regulated; and various minor abuses were corrected.<sup>1</sup>

Bacon himself stood for an even more democratic program. Soon after the meeting of the Assembly he held a convention of his party at "the Middle Plantation," and there issued a proclamation in the name of "the Commons of Virginia," signing it "Nath Bacon, Gen'l By the Consent of the People." This document (*Source Book*, No. 107) denounced the group of Berkeley's favorites as "sponges" that had sucked up the

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<sup>1</sup> See *Source Book*, No. 106, for these laws. Cf. also No. 108 for explanations by the counties after the Rebellion had been crushed.

public treasure, and as "juggling parasites," and declared all who sheltered them to be "traitors to the people."

**162.** While Bacon was still in full tide of success, a sudden fever carried him off — and **the Rebellion collapsed**, for want of a leader. Berkeley took a shameful vengeance, until removed by the disgusted King. At the King's command, *the next Assembly* declared all "Bacon's laws" void; and so *the "freehold" franchise* was restored, — to continue two centuries.<sup>1</sup>

**163.** Henceforth all leadership belonged to the small class of **great planters**. Each man of this class was not merely a country gentleman, supervising the farming of large estates: he was also a merchant, with huge warehouses and with agents in England. He sold in England not only his own tobacco, but also much of that of the small planters about him; and, in return, he imported all manufactured articles used on his plantations and on theirs, except the simple implements turned out by the plantation's own carpenter and blacksmith. He was also a lawyer, and a leader in society and in politics. He was usually one of the ruling "Justices" of his county, and one of the vestry of his parish; and, if he did not sit in the governor's Council, he was pretty sure to be a Burgess — or at least to control the election of a Burgess.

**164.** Much has been said above (§ 155) on the admirable qualities of this ruling class. **One darker feature remains to be made plain.** These men gave a large part of their time to the public service, and none of their offices had salaries. In time of public peril, too, they were always ready to give fortune and life freely for the public need. But in ordinary times, many of them paid themselves *indirectly* for their devotion to the public service by what would to-day be called **graft**. They controlled the political machinery; and *they saw nothing wrong* in filling their pockets, and their friends' pockets, out of the public resources.

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<sup>1</sup> In 1736 a "freehold" for voting purposes was defined to be the ownership of 100 acres of wild land, or 50 acres of improved land, or a house and lot in a town, — the house to be not less than 24 feet square. Just before the American Revolution, these requirements were cut down one half.

Taxes were paid commonly in tobacco. The "Receiver" was some one of the coterie of great planters. It was easy for him to accept from friends and other influential taxpayers a poorer grade of tobacco than he would take from a smaller planter. All tobacco so received was afterward sold for the treasury. The English government tried earnestly to have the Receiver sell at auction; but he usually managed to sell "by private arrangement" — often at a half or a third of the market value — to friends or associates. It was by so holding together and exchanging "favors" that the aristocracy maintained their power.

**165. Especially was the public land a source of private riches.** Governor and Assembly readily made grants of wild land to almost any applicant; but law required the grantee to establish a certain number of settlers on each grant within ten years — one settler to every hundred acres — or the grant had to be declared forfeited. To locate and survey a tract cost somewhat, and to "settle" a large tract was impossible except to the wealthy. And the wealthiest had ways to shift this burden.

In 1688, Colonel William Byrd secured a grant of more than three thousand acres. He failed to "settle" it; but *he was the chief officer of the colonial landoffice*, and he managed to keep back the declaration of forfeiture until 1701. Then the tract was re-granted at once to his close friend, Nathaniel Harrison, who, after a decent interval, deeded it back to Byrd for another ten years' chance to settle. Another time, Byrd got nearly six thousand acres; and having failed to settle in the ten years, he had it transferred to his son. These grants were the foundation of one of the greatest Virginia family estates.

**166. The small farmer in Virginia**, after Bacon's failure, **had only one political power**: once a year or once in two years he could vote for a member of the Assembly. Elections took place at the county courts, and became social gatherings also, with feasting and sports — wrestling, running, shooting at the mark — and sometimes with brutal rough-and-tumble fights. The speechmaking at these gatherings by rival candidates afforded no mean political training; and as large a part of the free White population came out to vote in Virginia as in New England. *But the common Virginia farmer voted on a much smaller range of matters, and much less often, than the common*

*New England farmer.* The common Virginian had no voice in the many questions of *local* government that were discussed and settled in the New England town meeting, nor any part even in choosing local officials — which was so large a part of New England politics.

**167. Excursus: The Virginia County and the New England Town.** — After 1691 (§ 153), the *central* governments of Massachusetts and Virginia grew more and more alike, but *the local governments grew farther and farther* apart; and the influence of local government upon society is so great that Virginia as a whole grew more aristocratic, and Massachusetts more democratic.

We have traced the story of the development of the two types of local government; but we ought also to notice that the *difference between them was largely based on physical differences* between the two colonies (§§ 2, 3). In Virginia the soil, climate, and products made it profitable to cultivate large plantations by cheap labor under overseers. In Massachusetts, with its sterile soil, farming was profitable only when a man tilled his own ground, with at most one or two servants *working under his own eyes*. In Virginia, therefore, *population became scattered*, while in New England it remained *grouped in little farm villages*. In Virginia, the people could not easily come together for effective action. The *county* became the political unit, and control fell naturally to the wealthy planters in small Boards. New England had no counties for some time, and then *only for judicial districts*. The town remained the political unit; and all the people of the town came together frequently, to take part in matters that concerned their common life. *The Virginia type of local government developed the most remarkable group of leaders that the world has ever seen. The New England type trained a whole people to democracy by constant practice at their own doors.*<sup>1</sup>

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<sup>1</sup> The Middle colonies, whose story we take up in the next chapter, developed an intermediate type of local government with *both* towns and counties; and this mixed type became the common one in most of the West at a later day (*American History and Government*, § 76).

**EXERCISE.**—A freeholder came of age in 1661 in Virginia: how old must he have been before he could cast his first vote? (§ 156.) Let members of the class propose lists of questions on this chapter so far, naming the “sections” of this book or the “numbers” in the *Source Book* where answers may be found. Compare § 167 with §§ 2 and 3.

**FOR FURTHER READING.**—Andrews, *Colonial Self-Government*, 202–231, or Channing, II, 82–91, or Becker, *Beginnings*, 71–80. Fiske's *Old Virginia* (II, 1–130, 174–267) gives a delightful but longer treatment. The *Source Book* contains much material: No. 108, not referred to in notes above, is especially valuable.

#### IV. NEW COLONIES, 1660–1690

**168. New Jersey** was part of the territory conquered from the Dutch (§ 145). Soon after 1660, too, the beginnings of settlement were made in the **Carolinas**. In both districts the settlers waged sturdy constitutional struggles for self-government, ignoring or opposing the proprietary claims. The story cannot be told here. Some features of **New York** and **Pennsylvania** history, however, demand attention.

**169. While New York was the Dutch New Netherlands**, the people had no self-government whatever. The colony was a huge plantation (like early Virginia) under the arbitrary rule of the “Director General” and his Council, appointed in Holland. There were a number of great landlords (*patroons*) in the colony; and, in local affairs, each patroon had great authority over the villages of settlers on his lands.



THE “HALF MOON” in which Henry Hudson sailed up the river named for him, laying the basis for the Dutch claim. From an old Dutch drawing.

**170. The only promising movement for self-government under Dutch rule came from English immigrants.** Four English towns had been established on Long Island while it was claimed by

Connecticut. These afterwards passed under the rule of New Netherlands. In 1653 a meeting of representatives from various parts of the colony was held, to demand from Director Stuyvesant a measure of self-government. This meeting was inspired by the English towns, and it was dominated by their delegates. The "remonstrance" to Stuyvesant was drawn in the English language; the signatures are largely English names; and the document contains the democratic English phrases of that day. Stuyvesant, in explaining the matter to the authorities in Holland, wrote: "It ought to be remembered that the Englishmen, *who are the authors and leaders in these*

*innovations*, enjoy more privileges than the Exemptions of New Netherlands grant to any Hollander."



WILLIAM PENN AT 22 (before his conversion). From the painting by Sir Peter Lely, now in the gallery of the Pennsylvania Historical Society.

**171.** Before true representative government grew out of this agitation, came the English conquest of New Amsterdam in 1664. King Charles gave the conquered province to his brother James, Duke of York, for whom it was renamed. The population was mainly non-English; and, as a conquered people, it had no constitutional claim to political rights. Accordingly, the charter to James said nothing of

any share by the people in the government.

In spite of this, the governor, Nichols, found himself obliged to satisfy the Long Island towns by promising them privileges "equal to those in the New England colonies," *and it soon*

*proved necessary to introduce a representative Assembly* (1682). Down to the Revolution, however, the governor had more extensive prerogatives in New York than in any other colony.

**172. Early Pennsylvania owed more to William Penn than any other colony did to its proprietor.** Penn is one of the striking figures in history. Son of a famous and wealthy English admiral who had added Jamaica to England's colonies (§ 133), he risked his inheritance, as well as all prospect of worldly promotion, in order to join the Quakers. Happily for the world, his resources were not taken from him after all, and he kept the warm friendship of men so different from himself as the royal brothers, Charles and James.

Through this friendship, Penn was selected to help some Quaker proprietors organize the colony of New Jersey, and thereby he became interested in trying a "Holy Experiment" in a colony of his own. The Council for colonial affairs (§ 134) had already become jealous of proprietary grants; but James readily gave him the old Swedish settlements on the Delaware. Penn, however, wished a still freer field to work in, and soon he secured from King Charles, in consideration of a large debt due him from the crown, a grant of wild territory west of the Delaware between New York and Maryland.

Owing to geographical ignorance, the grant conflicted with those of Massachusetts and Connecticut, and especially with those of New York and Maryland. The adjustment with Maryland was not finally accomplished until 1767, when *Mason and Dixon*, two English surveyors, ran the boundary line that goes by their name — commonly referred to in later history as the dividing line between North and South.

**173. Penn's charter of 1680** (*Source Book*, No. 102) gave him proprietary power like that of Baltimore in Maryland, *with some limitations*. Settlers were guaranteed the right of appeal from colonial courts to the king in council, and all colonial laws were to be subject to a royal veto. The Quaker colony was required to tolerate the established English church, and especial emphasis was placed upon obedience to the navigation laws. A unique clause renounced all authority on the

part of the crown to tax the colonists *without the consent of the Assembly or of Parliament*,—an indirect assertion that Parliament might tax the colony.<sup>1</sup>

**174.** Pennsylvania knew none of the desperate hardships that make so large a part of the story of the earlier colonies. The wealthy Quakers of England and Wales helped the enterprise cordially, and the Mennonites (a German sect somewhat re-



**PENN'S TREATY WITH THE INDIANS FOR THE PURCHASE OF PENNSYLVANIA.** From the imaginative painting by Benjamin West, now in Independence Hall, Philadelphia.

sembling Quakers) poured in a large and industrious immigration. In 1687 one of their settlements voiced the first protest in America against slavery: "Those who steal or rob men, and those who buy or purchase them,—are they not all alike? Here is liberty of conscience . . . and here ought to be likewise liberty of the body. . . . To bring men hither or to robb or sell them against their will, we stand against."

*There were no Indian troubles*, thanks to Penn's wise and just policy with the natives. Population increased rapidly, and

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<sup>1</sup> The Delaware settlements were not covered by the charter. For them a separate form of government was devised, though they belonged to the same proprietor.

material prosperity was unbroken. By 1700 (when only twenty years old) the colony stood next to Virginia and Massachusetts in wealth and numbers. Unlike other colonies, except conquered New York, *the population was at least half non-English* from the first, — Welsh, German, Swedes, Dutch, French, Danes, and Finns.

**175.** Penn took no thought to extend his own powers. His ideas, for the time, were broad and noble.

"The nations want a precedent for a just and righteous government," he wrote. . . . "*The people must rule.*" And again, in a letter to a friend, "I propose . . . to leave myself and my successors no power of doing mischief — that the will of one man may not hinder the good of a whole country." To the expected settlers he proclaimed (1681), "You shall be governed by laws of your own making, and live a free and, if you will, a sober and industrious people."

The first "Frame of Government" granted by Penn to the colonists was very liberal, but it was clumsy; and even with a proprietor so unselfish and settlers so good, politics were confused by bitter quarrels for some years. Finally Penn substituted for that first charter to the settlers a new fundamental law, the **Charter of 1701** (*Source Book*, 103 b). The colonists accepted this by formal compact, and it remained the constitution of Pennsylvania until 1776.

The governor was appointed by the proprietor, and had a veto upon all legislation. He was aided by an appointed Council, — which body was *not* part of the legislature. The people chose a one-House Assembly each year. *This body had complete control over its own sittings*: the charter fixed a date for the annual meeting, and provided that the Assembly should be *dissolved only by its own vote*. Freedom of conscience was guaranteed to all who believed in "one Almighty God"; and the franchise was given to all who accepted Christ as the "Savior of the World"<sup>1</sup> and who owned 50 acres of land or £ 50 personal estate.

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<sup>1</sup> Pennsylvania was the only colony in which Roman Catholics had political rights in the eighteenth century. Rhode Island disfranchised them in 1719.

The provision for religious freedom was declared *not* subject to amendment. All other parts of the charter could be amended by the joint action of the proprietor and six sevenths of the Assembly. *This was the first written constitution to provide a definite machinery for its own amendment.*

FOR FURTHER READING. — Channing's *History of the United States*, II, 94-129, 313-340, and Andrews' *Colonial Self-Government*, 75-128, 162-201. Some student may be asked to report upon Leisler's Rebellion in New York, especially if Fiske's *Dutch and Quaker Colonies* is accessible.

EXERCISE. — Name ten dates in the seventeenth century worthy of memorization. Point out which ones stand for some important relation between American and English history.

#### V. SUMMARY FOR THE PERIOD 1660-1690

**176.** The "Restoration" of Charles II began a new era for the English race; but the two divisions of Englishmen on opposite sides of the Atlantic met very different fates. In England itself, the second Stuart period (1660-1688) was a time of infamy and peril. *In America, it was singularly progressive and attractive.* For the first time the government of the home land took an active part in fostering the plantations; and the separate colonies first began to have a common history.

**177.** Three great characteristics marked the period: —

*English territory in America was greatly expanded.*

*The English government established its first real "colonial department," to regulate colonial affairs and to draw the plantations into a closer dependence upon England.*

This new attitude of the home government, both in its wise and unwise applications, stirred the colonists to a new insistence upon their rights of self-government.

Thus there developed an "*irrepressible conflict*" between the natural and wholesome English demand for imperial unity and the even more indispensable American demand for local freedom. Of this struggle the most picturesque episodes are Bacon's Rebellion in Virginia and the Andros incident in New England. The conflict was intensified by evil traits on both sides, — by the personal despotic inclinations of James II

and of some of his agents in the colonies, and by pettiness and ignorance on the part of the colonists; and each party was blind to the good on the other side. *Still the unconquerable determination of the colonists to manage their own affairs, even though inspired in part by narrow prejudice, is the central fact of the period.* If we mark the period by one phrase we may best call it *the era of the struggle to save self-government.*

**178.** During this period, too, the view-point for our history is shifting. Until 1660, the colonists are *Englishmen* — enterprising Englishmen busied in establishing themselves on scattered outlying frontiers. After 1690, they are *Americans* — colonial Americans, it is true, dependent still upon England partly from custom, partly from affection, and largely from need of protection against the French on the north.

*The three marks of the period treated in this chapter (§ 177) are all found, intensified, in the next seventy years,* — with the addition of one new element, the incessant war with the French and Indians. The story of the present chapter is continued directly in the next.

## CHAPTER XVII

### "COLONIAL AMERICANS," 1690-1763

#### I. MATERIAL GROWTH

**179.** Despite the frequent wars, the seventy years between the English Revolution and the American Revolution (1690-1760) were a period of marvelous prosperity for the colonies. *The older districts* grew from straggling frontiers into rich and powerful communities marked by self-reliance and intense local patriotism. *A new colony, Georgia*, was added on the south (1732), and *new frontiers* were thrown out on the west. *Population rose sixfold*—from 250,000 (§ 132) to 1,600,000; and *large non-English elements* appeared, especially in the middle colonies.

The most numerous of these were the *German Protestants*, driven from their homes in South Germany by religious persecution and by the wars of Louis XIV. The French armies in these wars deliberately depopulated large districts. A striking paragraph of Macaulay's tells the fate of one Rhine province:—

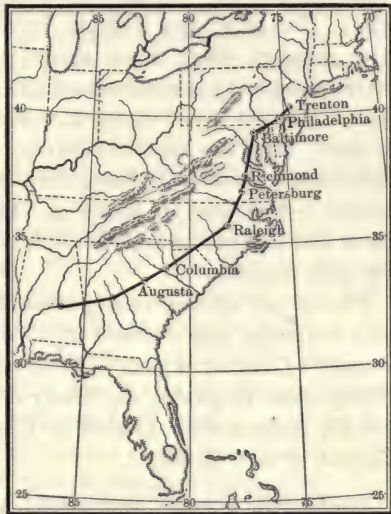
"The commander announced to near half a million human beings that he granted them three days' grace . . . Soon the roads and fields were blackened by innumerable multitudes of men, women, and children flying from their houses. . . . The flames went up from every market place, every parish church, every county seat."

The survivors of such devastation made the first German immigrants to America. This immigration *began* to arrive about 1690. It went mainly to New York and the Carolinas and especially to Pennsylvania (§ 173). To the latter colony alone more than 100,000 Germans came between 1700 and 1775. A smaller but highly valuable contribution to American blood was made by the *Huguenots*, driven from France after 1683 by

the persecution of Louis XIV. They came mainly to the Carolinas; but some settled in New England, New York, and Virginia. The names Paul Revere, Peter Faneuil, and Governor Bowdoin suggest the services of their sons in Massachusetts.

**180.** Another immigration of this period belongs especially to a new section — the **Scotch-Irish settlement in the "West."**

*The first frontier* in America was the "tide-water" region, extending some fifty miles up the navigable streams. Near the mouth of such rivers, or on the harbors along the coast, arose the first line of cities, — Boston, Portsmouth, Providence, New York, Philadelphia, Annapolis, Charleston. By 1660 (that is, by the end of the first half century of colonization), when the first frontier had been transformed into settled areas, a *second thin frontier* had



THE WATERCOURSE FALL LINE.

pushed on fifty or a hundred miles farther inland, *to the eastern foothills* of the Appalachians. Here, during the next half century, at the head of navigation and on sites of abundant water power, appeared a second line of towns, — Trenton, Princeton, Richmond, Raleigh, Columbia.

So far, frontier had kept in touch with settled area. But, about 1700, a third frontier leaped the first range of mountains, into the long, narrow valleys running north and south between the Alleghenies and the Blue Ridge, *leaving a hundred miles of tangled wilderness between itself and civilization*. This region was the beginning of a new "section" in our history. It was

our first "West." Moreover, it was made by a *new type* of American settler, *the Presbyterian Scotch-Irish*. These were really neither Scotch nor Irish in blood, but Saxon English. For centuries their fathers had lived in the Lowlands of Scotland as frontiersmen against the Celtic Scots of the Highlands. In the reigns of Elizabeth and James they had colonized north-eastern Ireland, — frontiersmen against the Catholic and Celtic Irish. But after the English Revolution, the new navigation laws crushed their linen manufactures, — the chief basis of their prosperity there, — and the English laws against the Irish Catholics bore heavily also upon these Presbyterian "dissenters" from the English Church. So, about 1700, with hearts embittered toward England, they began once more to seek new homes, — this time in America. In both Scotland and Ireland there had been some mixture of blood, but the dominant strain was still English.

*The volume of this immigration increased rapidly, and it has been estimated that between 1720 and 1750 it amounted to an average of 12,000 a year. In numbers and in significance, the Presbyterian English of the West rank in our nation-making alongside the Episcopalian English of Virginia and the Congregational English of New England.*

Non-English elements have played a great part in the making of America. In the colonial day, Frenchman, Dutchman, German, gave us much of our blood and even our thought; and later, Norseman, German, Irishman, and, last of all, Slav and Latin, have made the sinews of our national life. But after all, *the forces that have shaped that life have been English*, — especially the three English elements just mentioned.

The Scotch-Irish came to America mainly through the ports of Philadelphia in the north and Charleston in the south. Many stopped in the settled areas; but a steady stream passed on directly to the mountains *and over them*. Reaching the Appalachian valleys in the far north and south, the two currents drifted toward each other, until they met in the Shenandoah Valley in western Virginia. And thence, just before the American Revolution, under leaders like Boone and Robertson,

they began to break through the western wall, to make a fourth frontier at the western foothills and farther west, in what we now call Kentucky and Tennessee.

Until about 1850, the Scotch-Irish were the typical American frontiersmen, especially in the great middle West and Southwest. They showed a marvelous power to assimilate other elements that mingled with them, — German, French, Welsh, and even the real Irish and real Scotch, when these came, in small numbers, just before the Revolution. They have furnished too, many leaders to our national life, — such as Andrew Jackson and “Stonewall” Jackson, Horace Greeley, Jefferson Davis, Patrick Henry, William McKinley, Woodrow Wilson.

Unlike the country east of the mountains, this new “West” had its real unity from north to south. *Politically*, it is true, *the settlers were divided* by the old established colonial boundary lines, running east and west; but, *from New York to Georgia, the people of this frontier were one in race, religion, and habits of life*, — hard, dogged farmers, reckless fighters and hunters, tall and sinewy of frame, saturnine, restless, dauntless of temper. Other immigrants to the New World had forced themselves into the wilderness, for high reasons, with gallant resolution, *against* natural inclination. *But these men loved the wild for itself*. Unorganized and uncaptured, armed only with ax and rifle (in the use of which weapons they have never been equaled), they rejoiced grimly in their task of subduing a continent. First of American colonists, too, did they in earnest face away from the Old World *in their thought*, and begin to look west toward the glorious destiny of the new continent.

## II. THE CONQUEST OF NEW FRANCE

**181.** From 1689 to 1763, with only short pauses for breath, France and England wrestled for the splendid prize of the Mississippi Valley. This incessant war with the French and their dread Red allies made a somber background for all other movements in the English colonies. It was never for a moment to be forgotten by the daring frontiersman who shifted his home

in search of better and cheaper land, or by the Assemblyman who wrangled with a royal governor for larger self-government.

For the most part the campaigns were fought on European fields (*Modern World*, §§ 470-497); but at bottom the conflict was not determined on the battlefield. Two systems of colonization were at war in America; and free individualism won over despotic centralization (§ 16). A despotic French governor could wield effectively all the resources of New France, — though this advantage was offset in part by the corruption that always threatens such a system;<sup>1</sup> while among the English, dissensions between colony and colony, and, within a given colony, between governor and Assembly, many times cost dear. **But in the long run, the despotic governor proved no match for the democratic town meeting.** Had the French ever succeeded in seizing Boston, they could never have held it — not even as long as King George did a few years later. On the other hand, the English needed only one decisive victory. For, despite the noble patriotism of a few great French leaders, the mass of French colonists had too little political activity to care greatly what country they belonged to, provided only they were treated decently.

**182.** The closing chapter of the struggle was “the Great French War” of 1754-1763, often called “the French and Indian War.” Here the interest centers around two heroic antagonists, *Montcalm* and *Wolfe*. All grade students know the romantic story. England’s command of the seas made it impossible for France to send Montcalm the reinforcements he pled for; and Wolfe’s victory at Quebec settled forever the fate of the continent.

**By the final treaties of 1763,** England received Florida from Spain, and Canada and the eastern half of the Mississippi Valley from France. The rest of the valley *France* ceded to her ally Spain, and, except for some West India Islands, she *ceased herself to be an American power*. North America was

<sup>1</sup>Canada, says Parkman, “was the prey of official jackals.” For illustrations, see Thwaites’ *France in America*, 220-221.





# EUROPEAN POSSESSIONS IN AMERICA, 1664-1775

- English*
- French*
- Spanish*

left to the vigorous English commonwealths and to decaying Spain, with a dividing line, temporarily, at the great central river. The continent was destined to be English in speech and civilization.

### III. ENGLISH CONTROL VS. AMERICAN LIBERTY

**183.** The seventy years from the English Revolution to the American Revolution have been called "a forgotten half century." In internal development there are no brilliant episodes, no heroic figures, and no new principles. Much was done, however, in *extending* institutions already established. *The central theme* is the continuance of that inevitable conflict that appeared in the preceding period (§ 177). Under the pressure of ceaseless war, England felt, even more keenly than before, the need of controlling her colonies; and the colonies, realizing dimly their growing strength, felt more and more their right to regulate their own affairs.

The projects of the English government to extend its influence in the colonies had two phases, commercial and political.

**184.** Several new Navigation Acts extended the old commercial policy of the home country. To the "enumerated articles" to be exported only through England (§ 138), rice was added in 1706, and copper, naval stores,<sup>1</sup> and beaver skins in 1722.

More important was a new kind of restriction upon American industry, — a series of attempts *to restrict or prohibit manufactures*. In 1696, a parliament of William III forbade any colony to export, even to England or to any other colony, *any woolen manufacture*. In 1732, exportation of *hats*<sup>2</sup> was forbidden. Legislation of this sort had no such excuse as the earlier navigation laws. The motive now was plain jealousy on the part of English manufacturers.

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<sup>1</sup> England compensated the colonies by paying generous bounties upon such materials sent to her.

<sup>2</sup> Making hats from beaver skins had been a prominent industry in some northern colonies and in Pennsylvania.

Bad as this was, the restrictions upon manufacturing so far were *indirect*: *no colony had been forbidden to make any article for its own consumption*. But in 1750 (almost at the close of the period) **the erection or use of iron mills was prohibited altogether**. Unlike the unpleasant features of the earlier commercial restrictions, too, this law could not be evaded. The half dozen iron



COLONIAL FIREPLACE AND UTENSILS, "BROADHEARTH," Saugus, Massachusetts. In this house, built in 1646, lived the first iron founder in America. The works were situated near by and were successfully carried on for a hundred years. Cf. page 75.

mills that had appeared in the northern colonies were closed, and all manufacture of iron ceased, except for nails, bolts, and the simpler household and farm implements, such as in that day were turned out at the village smithy.

These English laws of 1696, 1732, and 1750 were selfish and sinister,—the most ominous feature in all American colonial history. They must have become bitterly oppressive ere long, had the colonists continued under English rule; and at the time they fully deserved the condemnation visited upon them by the

great English economist, Adam Smith: "Those prohibitions are only **impertinent badges of slavery**, imposed upon [the colonies] without sufficient reason *by the groundless jealousy* of the manufacturers of the mother country."<sup>1</sup>

**185.** Another source of justifiable irritation was the "Sugar Act" of 1733 (*Source Book*, No. 100, c). This Act placed duties on sugar and molasses from "foreign plantations" so high as to prevent the colonists from getting these articles any longer from the French West Indies, except by smuggling. The purpose of the law was to compel the colonies on the continent to buy their sugar from another *English* colony, Jamaica, where the sugar planters were in financial distress: it aimed to take from the mass of American colonists for the benefit of a specially privileged class of colonists. It is said that the law was suggested by a Boston merchant who owned plantations in Jamaica.

**186.** Attempts by the English government at closer *political* control first took the form of *efforts to make colonies into royal provinces*. For sixty years Virginia had been the only royal province. In 1685 New York was added to this class, when its proprietor became king. William III, at the opening of his reign, made Massachusetts practically a royal government (§ 153); and, by a stretch of authority, he cut off New Hampshire from Massachusetts and gave it that kind of government.

Then came a series of attempts to change *all* colonies into royal provinces. In the remaining charter and proprietary colonies the Board of Trade found many just grounds for complaint. Besides the old offenses (evasion of navigation laws, refusals to permit appeals to England, discrimination against the English Church, etc.), the Board was annoyed by Rhode Island's stubborn persistence in a shameful trade with pirates; by the refusal of Connecticut to let royal officers command her

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<sup>1</sup> Unhappily the colonists seem to have felt aggrieved quite as much by the well-intended, if not always tactful, efforts of England to preserve American forests from careless and greedy destruction, and to prevent the issue of dishonest colonial paper money.

militia in war against the French; and by the absence in Pennsylvania and New Jersey of all militia. Experience had shown that English *courts* could not be depended upon to annul colonial charters (§§ 148, 152); and so, in 1701, the Board recommended, in a strong paper, that the eight charter and proprietary governments be "reunited" to the crown *by act of parliament*.

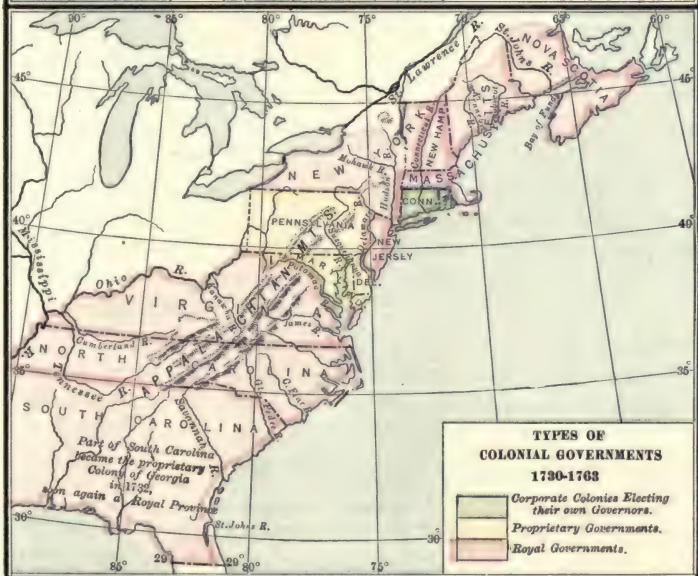
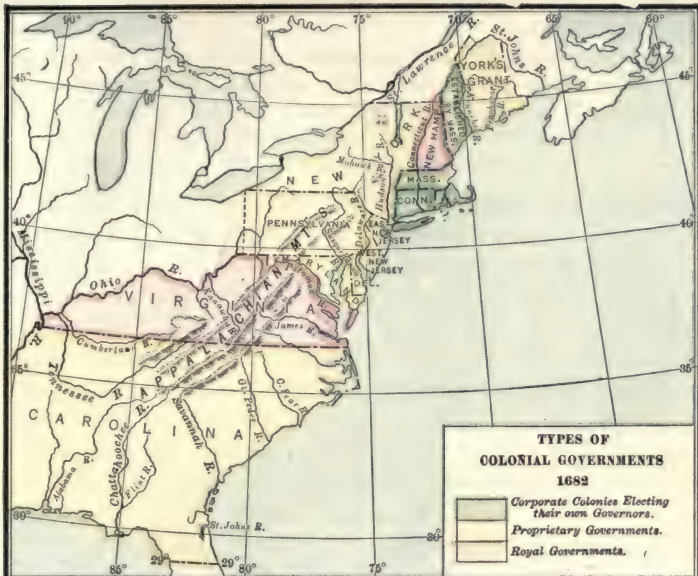
A bill to this effect passed two readings, with little opposition; but the hurried departure of King William for a campaign in Ireland forced a timely adjournment of parliament. The following year another bill was being prepared, when the death of the King compelled parliament to dissolve. In the next reign these efforts were renewed. But time had been given for the proprietors in England and the charter governments in America to rally all their influences, public and secret.<sup>1</sup> The Whigs in parliament had great respect for charters and for "vested rights"; and the movement came to nothing.

**187.** The English government then fell back upon the early policy of William III, and attacked colonial grants *one by one*, as occasion offered. Before 1730, by taking advantage of a legal flaw, a serious disorder, or of the willingness of an embarrassed proprietor to sell, it *added New Jersey and North and South Carolina to the list of royal provinces*. Out of the last named, *Georgia* was carved for a proprietary province a little later; but it, too, soon came under a royal government. Down to the Revolution Maryland and Pennsylvania remained proprietary, and Connecticut and Rhode Island remained "corporate" colonies.

**188.** The common distinction between royal, proprietary, and charter colonies is not of great consequence. Connecticut and Rhode Island did keep their right to elect all branches of their government. Pennsylvania, not classed as a charter colony, possessed, through its grant from Penn, the next freest constitution, in the security of its legislature from interruption (§ 175). Massachusetts, *with* its charter, had less valuable privileges, and resembled a royal province in all practical respects. *But the*

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<sup>1</sup> The report of the Board of Trade is in the *Source Book* (No. 111). Greene's *Provincial America* (58-62) gives an excellent account.





*really important thing about the colonial governments was their resemblances. All had representative Assemblies, with no small degree of control over their governors (§ 189) and all had the private rights of Englishmen, — jury trial, free speech, freedom from arbitrary imprisonment, — which were not then found in the colonies of any other country.*

189. The next step in the new colonial policy was to attempt closer control in the charter and proprietary colonies: (1) to require royal approval for the appointment of proprietary governors; (2) to place the militia of charter colonies under the command of a neighboring royal governor;<sup>1</sup> (3) to set up appointed admiralty courts, without juries, so as to prevent evasion of the navigation laws; (4) to compel colonial courts to permit appeal to the privy council in England; (5) to enforce a royal veto upon colonial legislation; and (6) *to free royal and proprietary governors from dependence upon colonial Assemblies.* The last two points require some explanation.

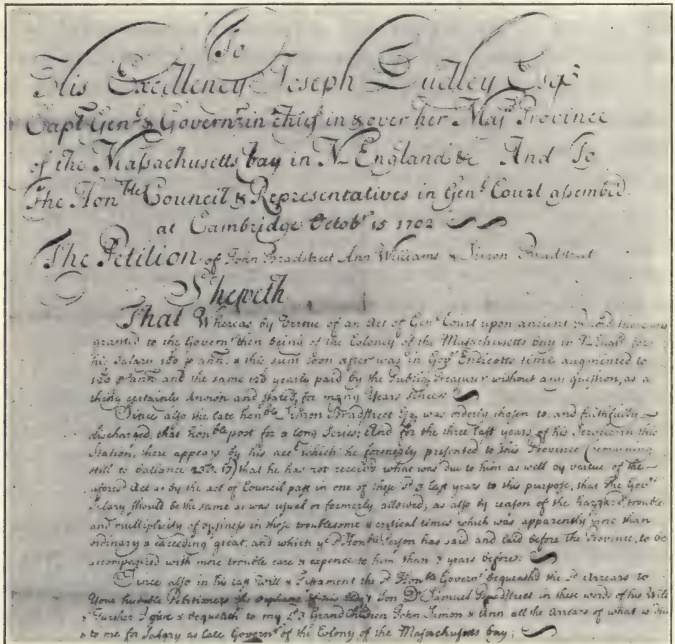
(a) *In theory*, the king *always* possessed a veto, just as in parliament; but, even in Virginia, so early a royal colony, he rarely exercised it until after Bacon's Rebellion. Thereafter, *it was expressly reserved* in all colonial grants (as in that to Penn and in the Massachusetts charter of 1691), and the right was emphasized *in every commission to a governor of a royal province* (cf. *Source Book*, No. 112). True, a colonial law went into effect *pending* adverse royal decision; but the veto was no mere form. Scores of important statutes were disallowed, sometimes after they had been in force for years. Fifteen Massachusetts laws of 1692 were vetoed in 1695, and eight statutes of North Carolina as late as 1754.

(b) Even in a royal province, the governor often showed little desire to carry out English instructions that conflicted with colonial views. *Partly, this was because the governor, living in close touch with the colonists, was likely to see their side of the case;*<sup>2</sup> *but more commonly it was because his salary depended upon*

<sup>1</sup> Special report on Connecticut's resistance to Governor Fletcher of New York. See Johnston's *Connecticut*, and cf. *Source Book*, No. 111, d, for Fletcher's aggrieved letter.

<sup>2</sup> For illustrations, cf. Berkeley's *Report* (*Source Book*, No. 104).

his keeping up a good understanding with the colonial legislature. Every governor, in the words of a colonist, had "two Masters, one who gives him his commission, and one who gives him his Pay." If the Assembly passed a bill distasteful to the home government, the governor could veto it; but the Assembly



PETITION OF THE HEIRS OF SIMON BRADSTREET, governor of Massachusetts under William III, for the salary not paid him by the Assembly. They were granted 1000 acres of land to satisfy the claim. From the Massachusetts State Archives.

might then cut down his salary, or leave it altogether out of the vote of supply, — which, according to good English custom, was always the last business of the session.

To free the governors from this dependence upon the popular will, the English government tried for many years, in vain, to secure from the Assemblies a *standing* grant for such salaries.

In 1727, Burnet, Governor of Massachusetts, laid before the Assembly his instructions to secure from that body a fixed grant of £1000 a year. Refusal, he said, would be taken by the King as "a manifest mark of undutiful behavior." On the other hand, a Boston town meeting bluntly called upon the Assembly "to oppose any bill . . . that may in the least bear upon our *natural rights* and charter privileges, *which, we apprehend, the giving in to the King's instructions would certainly do.*"

Burnet was popular, as well as able; and the Assembly voted him not £1000, but £1700, *for one year*. The governor indignantly refused to be "bribed" into proving false to his instructions. The Assembly raised their offer, still in vain. For three years the struggle continued. Then a new governor, in want of money, petitioned the crown to allow him to receive the annual grant *temporarily*. The English government assented, and Massachusetts had won.

**190.** To the credit of the monarchs, *no attempt was made, in this long contest, to suppress any colonial Assembly*. Indeed, while the English government did in some respects extend its powers in the colonies, still *the Assemblies also made substantial gains*. Everywhere the elected Houses claimed the powers and privileges of the English House of Commons. Especially did they *get more control over finances*. After long struggles, they shut out the appointed Councils from any authority over money bills,<sup>1</sup> and, in each colony, they created a *Treasurer*, not appointed by the governor, but *elected by the Assembly*.

**191.** *Private rights, too, were more clearly defined*. With the approval of the crown lawyers, the doctrine was established that the Common Law of England, with all its emphasis on personal liberty, was also the common law of the colonies *even without express enactment*. And at least **one advance** was made in the colonies **over English custom** in the matter of personal liberty — namely, a *greater safety for a free press*.

In 1735 a tyrannical governor of New York removed the

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<sup>1</sup>Just as in England, the appointed and hereditary House of Lords was no longer permitted to amend or reject bills of supply.

chief justice of the colony from office for personal reasons. *John Zenger* in his *Weekly Journal* published vigorous criticism of this action, declaring that, if unchecked, it threatened slavery to the people. Zenger was prosecuted for criminal libel. In England at that day such a prosecution, backed by the government, was sure of success. In New York, the new chief justice, too, showed a determination to secure a conviction. He tried to limit the jury to deciding only whether Zenger was responsible for the publication (a matter not denied), reserving to himself the decision whether the words were punishable.

This was the custom of English courts in such cases to a much later period.<sup>1</sup> But Zenger's lawyer in a great speech argued that public criticism is a necessary safeguard for free government, and that, to prevent the crushing out of a legitimate and needed criticism, *the jury* in such a trial must decide whether the words used were libelous or true.

This cause, said he, is "not the Cause of a poor Printer alone, nor of New York alone," but of "every free Man on the Main of America." He called upon the jury to guard the liberty "to which Nature and the Laws of our Country have given us the Right, — the Liberty of exposing and opposing arbitrary Power (in these parts of the World at least) by speaking and writing the Truth." "*A free people*," he exclaimed bluntly, "*are not obliged by any Law to support a Governor who goes about to destroy a Province.*"

The jury insisted upon this right, and declared Zenger "Not guilty." Gouverneur Morris afterward styled this acquittal "the morning star of that liberty which subsequently revolutionized America."<sup>2</sup>

FOR FURTHER READING. — The best treatments (outside of special monographs) are Greene's *Provincial America*, 1-80, Channing's second volume, 217-281, and Becker's *Beginnings*, 125-200. An excellent treatment of Virginia is given in Fiske's *Old Virginia*, II, 174-269.

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<sup>1</sup> Cf. *Modern World*, § 746.

<sup>2</sup> This trial was one of several at about the same time. The fullest account in a general history is in Channing, II, 475-489. Zenger's own account, resembling a modern "report," is reproduced in the *Source Book*, No. 113.

EXERCISE. — 1. Classify the “navigation acts” under three heads with subdivisions. Why are the restrictions on manufactures classed with *navigation acts*?

2. *What are the two main subdivisions of the colonial period?* Into what two subperiods is the second of those divisions again subdivided, and by what? Write a brief paragraph upon the matter of these divisions and subdivisions, stating dates for each, and the characteristic marks.

## CHAPTER XVIII

### COLONIAL LIFE

**192.** Much colonial legislation goes under the name of **Blue Laws**. The term signifies either *undue severity* in punishing ordinary crime, or *unreasonable interference* with personal liberty.

In the first sense (that of *bloody laws*), the colonists could not be blamed by Europeans of their day. Everywhere, life was still harsh and cruel; but *American legislation was more humane and rational than that of England or France*. True, many barbarities did survive. The pillory and whipping post (with clipping of ears) were in universal use. As late as 1748, a Virginian law (*Source Book*, No. 115) required every parish to have these instruments ready, and suggested also a ducking stool for "brabbling women." Prison life was unspeakably foul and horrible. Death was the penalty for many deeds not now considered capital crimes in any civilized land;<sup>1</sup> and many punishments seem to us ingeniously repulsive, such as *branding* for robbery.

In the second meaning of Blue Laws, — that of *inquisitorial legislation*, — New England comes in for just criticism. Not that she was much worse than the rest of the world even in that. To-day, as a rule, legislation aims to correct a man's

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<sup>1</sup> When the colonies were growing up, there were over fifty offenses punishable with death in England. This number increased to about two hundred before the "sanguinary chaos" was reformed in the nineteenth century (cf. *Modern World*, § 746); but not more than eighteen offenses were ever "capital" in New England. Virginia ran the number up to twenty-seven; but in large part this was due to her cruel slave laws, which were rarely enforced.

conduct only where it directly affects other people; but in that day, all over Christendom, the state tried to regulate conduct purely personal. This was because state and church were so closely connected. In Virginia, the colonial law required attendance at church, and forbade traveling on Sunday.<sup>1</sup> In the Puritan colonies such legislation was more minutely vexing, — and more rigorously enforced.

193. At the same time, the most common *specific* charges against New England are wholly false. It is still widely believed that in Connecticut the law forbade a woman to kiss her child on Sunday; that it prohibited playing on “any instrument of music except the drum, trumpet, and jewsharp”; and that it required “all males” to have their hair “cut round according to a cap.” These “laws” are merely the ingenious vengeance of a fugitive Tory clergyman (S. A. Peters), who during the Revolution published in England a *History of Connecticut*. This quaint book contains a list of forty-five alleged “Blue Laws.” Some are essentially correct, and most have some basis in fact; but a few are mere malicious inventions, and it is by these almost alone that the “code” is generally known.

The veracity of the Reverend Mr. Peters may be judged from other items in his *History*. He pictures the inhabitants of a Connecticut village fleeing from their beds, mistaking the croaking of an “army of thirsty frogs” (on their way from one pond to another) for the yells of an attacking party of French and Indians; and he describes the rapids of the Connecticut River thus, — “Here water is consolidated without frost, by pressure, by swiftness, between the pinching, sturdy rocks, to such a degree of induration that an iron crow [bar] floats smoothly down its current”!

194. Soon after 1650 there began a slow decay in Puritanism. The English historian, Freeman, complains that students of history go wrong because they think that “all the Ancients lived at the same time.” It is essential for us to see the colonist of 1730 or 1700 as a different creature from his great grandfather of 1660 or 1630. *Even in the first century in Massachu-*

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<sup>1</sup> Cf. § 37 and *Source Book*, No. 35.

*setts, the three generations had each its own character.* The first great generation of founders (the leaders, at least) were strong, genial, tactful men, broadened by European culture and by wide experience in camp and court, and preserving a fine dignity, sometimes tender graces even, in their stern frontier lives.<sup>1</sup> Their Puritanism was sometimes somber, but never petty. It was like the noble Puritanism of Milton in his youth, — the splendid enthusiasm of the “spacious Elizabethan days,” sobered and uplifted by moral earnestness and religious devotion. Winthrop and Cotton and their fellows, who had left ancestral manor houses to dwell in rude cabins for conscience’ sake, lived an exalted poem day by day in their unfaltering conviction of the Divine abiding within them and around them.

Their children could not easily rise to this height. As early as 1646, the Massachusetts General Court laments the desecration of the Sabbath by “youths and maydes” “uncivilly walkinge in the streets and fields . . . and otherwise misspending that precious time;” and in the records of Watertown for 1669 we read, —

“It was agreed that the selectmen shall take their turnes, every man his Day, to site upon the Gallary to looke to the youthes . . . in the time of publike exercises on the Lords Days, and that the two Constables shalbe desired to take their turnes to site there also.”

Grown to manhood, these sons and grandsons of the founders laid aside frivolity, it is true, and became solemn and stern; but they show Puritanism in the sere. The necessities of frontier life made them nimble-witted, inquisitive, pushing, better able than their fathers “to find their way in the woods” and to rear crops and children under New World conditions. But the unceasing struggle and petty privations (theirs not by choice now, but by compulsion), made their lives harsh and unlovely and bitter. Most of the finer thought and broad outlook of the first generation fell away, and they had never felt

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<sup>1</sup> See Winthrop’s letters in the *Source Book*.

its splendid self-sacrifice. Faith gave way to formula; inspiration was replaced by tradition and cant. The second generation lost the poetry out of Puritanism; the third generation began to lose the power.

Much that is vital to man always remained. Puritanism continued to teach the supremacy of conscience with emphasis never excelled in religious movements; and, in its darkest period, sweet and gentle lives sometimes blossomed out of it. But before 1700 it showed a great decline. That decay was associated with *three other phenomena* (§§ 195-197).

195. There was a marked increase in gloom in New England life. Gloom had been an *incident* of Puritanism in its best day: now it became *so dominant* as to distort religion. The damnation scene of Wigglesworth's *Day of Doom* was long the most popular "poetry" in New England. Two extracts may indicate its character for literature and for thought:—

"They cry, they roar, for Anguish sore,  
And gnash their Tongues for horror:  
But get away without delay;  
*Christ pities not your Cry.*  
Depart to Hell: there you may yell  
and roar eternally.

\* \* \* \* \*

"God's direful Wrath their bodies hath  
Forever immortal made . . .  
And live they must, while God is just,  
That He may plague them so."<sup>1</sup>

To modern ears this seems comic. But men of that day preferred Wigglesworth's ghastly doggerel to Milton; and, as

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<sup>1</sup> Among these "damned," over whose fate the poet gloats in this way, he is careful to include all *unbaptized infants* as well as

"civil honest men,  
That loved true Dealing and hated Stealing,  
Nor wronged their brethren,"

but whose righteousness had not been preceded by "effectual calling," in the grotesque phrase of the day.

Lowell says with biting satire, the damnation scene was "the *solace* of every Puritan fireside."

**196.** The second phenomenon connected with the fanaticism of Puritanism in its worst age is the "Salem witchcraft madness" of 1692. Throughout the seventeenth century, all but the rarest men believed unquestioningly that the Devil walked the earth in bodily form and worked his will sometimes through men and women who had sold themselves to him. These suspected "witches,"—usually lonely, scolding, old women,—were objects of universal fear and hate. In Switzerland, Sweden, Germany, France, Great Britain, great numbers of such wretches were put to death, not merely by ignorant mobs, but by judicial processes before the most enlightened courts. In England, in 1603, parliament sanctioned this Common Law process by a statute providing the penalty of death for those who should have "Dealinges with evill Spirits,"<sup>1</sup> and the New England codes contained similar legislation. In Virginia, Grace Sherwood was "swum for a witch" in 1705, and the jury declared her guilty; but she escaped punishment through the enlightened doubts of the gentry Justices. In the more progressive Pennsylvania, the most that could be secured from a jury was a verdict against an accused woman of "guilty of haveing the Common fame of a witch, *but not guilty as Shee stands Indicted.*" In Maryland a woman was executed on the charge of witchcraft. But most of the American persecutions occurred in New England.

Connecticut executed eleven witches, and about as many more suffered death in Massachusetts before 1690. Then came the frenzy at Salem; and *within a few months twenty were executed*, while the prisons were crammed with many scores more of the accused. The clergy took a leading part in the prosecutions; and the hideous follies of the trials are almost incredible. While the madness lasted, the flimsiest accusations

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<sup>1</sup> This law remained on the English statute books until 1735; and in 1711 Jane Wenham was convicted under it of "conversing with the Devil in the shape of a cat."

were equivalent to proof. One neat woman had walked some miles over bad roads without getting herself muddy: "I scorn to be drabbled," she said. Plainly she must have been carried by the Devil! And so "she was hanged for her cleanliness."

Finally the common sense of the people awoke, and the craze passed as suddenly as it had come. With it, closed all



THE "WITCH HOUSE," SALEM, MASSACHUSETTS. The oldest house now standing in Salem, built about 1635. There is a tradition that examinations of accused persons were held here. It was the dwelling of Judge Jonathan Corwin of the Witchcraft trials.

legal prosecution for witchcraft in New England, rather earlier than in the rest of the world; but the atrocities of the judicial murders crowded into those few months must always make a terrible chapter of history.<sup>1</sup>

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<sup>1</sup> Good brief treatments of the witchcraft delusion are found in Eggleston's *Transit of Civilization*, 15-34, and in Channing's *History of the United States*, II, 456-462. Longer treatments, containing some exaggerations, are given in James Russell Lowell's "Witchcraft" in his *Works*, and in Lecky's *History of European Rationalism*.

197. In the early eighteenth century the reaction against the witchcraft delusion, the general decline of Puritanism, and the influx of dissenting Baptists and Episcopalians into New England greatly lowered the old influence of the Puritan clergy in society and in politics. There began, too, here and there, a division within Puritan churches, foreshadowing the later Unitarian movement. *This loss of religious unity* brought with it for a time some loosening of morals, and part of the people ceased to have any close relation to the church,—though all were still compelled to go to service each Sunday.

198. **Education.**—Of the original immigrants below the gentry class, a large proportion could not write their names; and for many years, in most colonies except Massachusetts and Connecticut, there were few schools. Parents were sometimes exhorted by law to teach their children themselves; but all lacked time, and many lacked knowledge.<sup>1</sup> The closing years of the seventeenth century were a period of deplorable ignorance,—the lowest point in book education ever reached in America.<sup>2</sup>

With the dawn of the eighteenth century, and its greater prosperity, conditions began to improve. *In Pennsylvania*, parents were required, under penalty of heavy fine, to see that their children could read, and several free elementary schools were established. *In Maryland* the statute book provided that each county should maintain a school, with a teacher belonging to the established Episcopalian Church; but, since most of the inhabitants were Catholics or Protestant dissenters, the law was ineffective. *In Virginia*, in 1671, Governor Berkeley had boasted, "I thank God there are no free schools here nor printing," and had hoped that for a hundred years the province might remain untroubled by those causes of "disobedience and heresy." Half a century later another governor of

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<sup>1</sup> See the "marks" for signatures to a Rhode Island document of 1636 (*Source Book*, No. 89). There is much evidence of this sort. Mary Williams, wife of Roger Williams, signed by her "mark." So, too, did Priscilla Alden in Plymouth.

<sup>2</sup> For instance, the Watertown Records in the *Source Book*, No. 83, show a gross and increasing illiteracy after the middle of the century.

Virginia complained bitterly that chairmen of committees in the Assembly could not write legibly or spell intelligibly. But by 1724, twelve free schools had been established by endowments of wealthy planters, and some twenty more private schools were flourishing.

*South of that colony* there was no *system* of schools whatever. Here and there, however, the churches did something toward teaching children; and of course the wealthy planters of South Carolina, like those of Virginia and Maryland, had private tutors in their families, and sent their sons to colleges in their own or neighboring colonies or to the English universities. *In New York*, the Dutch churches had begun free schools; but at a later time, because of the connection with the church, these almost disappeared. *Massachusetts and Connecticut* from the beginning had a remarkable system of public education (§ 199); and the other New England colonies gradually followed in their footsteps.

By 1760, though the actual years of schooling for a child were usually few, an astonishingly large part of the population could read, — many times as large, probably, as in any other country of the world at that time; *but there was still dolefully little culture of a much higher quality*. Between 1700 and 1770 several small colleges were established,<sup>1</sup> in addition to the older Harvard (§ 199); but none of these institutions equaled a good high school of to-day in curriculum, or equipment, or faculty.

With a few notable exceptions, the only private libraries of consequence were the theological collections of the clergy. In 1698 the South Carolina Assembly founded at Charleston *the first public library in America*, and about the middle of the eighteenth century Franklin started a *subscription library* at Philadelphia. In 1700 there was no American newspaper. The *Boston News Letter* appeared in 1704, and, by 1725, eight or nine weeklies were being published, pretty well distributed through the colonies. Ten years later, Boston alone had five weeklies.

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<sup>1</sup> William and Mary, in Virginia, 1696; Yale, 1701; Princeton, in New Jersey, 1746; King's, in New York (now Columbia), 1754; the University of Pennsylvania (through the efforts of Franklin), 1755; and Brown, in Rhode Island, 1764. South of Virginia there was no educational institution of rank.

It should be noted clearly that in New England such education as there was, was open to all on fairly equal terms; while south of Maryland, education, high or low, was practically only for the few. No other one fact explains so much of the difference between the *masses* of the people, north and south, in following years. On the other hand, the great planters of the south were by all odds the best educated men in America, acquainted with literature, history, politics, and law, and with such science as the age had, and more or less in touch with European culture and habits of thought.

**199. The schools of early Massachusetts and Connecticut demand a longer treatment.** Here was the splendor of Puritanism, —

a glory that easily makes us forget the shame of the Quaker and witchcraft persecutions. *The public school system of America to-day, in its essential features, is the gift of the Puritans.*



**FRANKLIN'S PRINTING PRESS.** In the collection of the Pennsylvania Historical Society.

In Massachusetts, *private* schools were found in some villages from the building of the first rude cabins. In 1635, five years after Winthrop's landing, a Boston town meeting adopted one of these private schools as a *town school*, appointing a school-master and voting from the poor town treasury fifty pounds (some twelve hundred dollars to-day)

for its support. So Salem in 1637, and Cambridge in 1642.<sup>1</sup>

<sup>1</sup> In 1645 Dorchester — still a rude village — adopted a code of school laws of comprehensive nature, well illustrating educational ideals of the town.

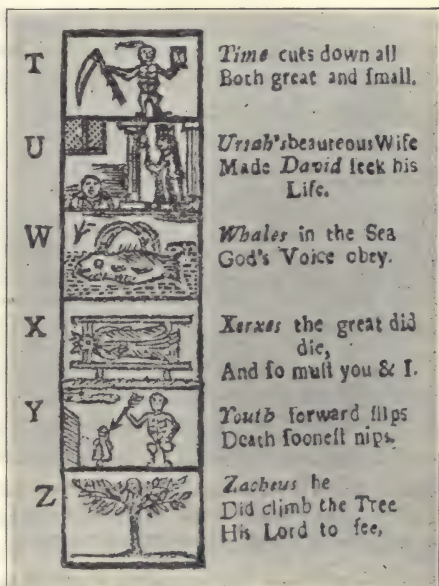
Such schools were a new growth in this New World, *suggested*, no doubt, by the parish schools of England, *but more generously planned* for the whole public, by public authority.

So far, the movement and control had been *local*. Next the commonwealth stepped in to adopt these town schools and weld them into a *state system*. This step, too, was taken by the men of the *first generation*,—pioneers still struggling for existence on the fringe of a strange and savage continent. In 1642, in consideration of the neglect of many parents to train up their children "in learning *and labor*, which might be *profitable to the Commonwealth*," the General Court passed a Compulsory Education Act of the most stringent character. This law even authorized town authorities to take children from their parents, if needful, to secure their schooling.<sup>1</sup>

This Act *assumed* that schools were accessible in each town. Five years later,

See extensive extracts in *Source Book*, No. 81. Note that these schools were *free* in the sense of being *open* to all. Commonly they were supported in part by taxation, but tuition was charged also to help cover the cost.

<sup>1</sup> The Puritan purpose was good citizenship, as well as religious training. The preamble of the similar Connecticut Act of 1644 runs: "For as much as



A PAGE FROM THE EARLIEST KNOWN EDITION OF THE NEW ENGLAND PRIMER, the first New England textbook not made up wholly of extracts from the Bible. The first edition appeared about 1680, and the book held its place until long after the Revolution.

the commonwealth *required* each village to maintain at least a *primary* school, and each town of a hundred houses to keep up a *grammar* school (Latin school). This great law of 1647 (written with solemn eloquence, as if, in some dim way, the pioneers felt the grandeur of their deed) remains one of the mighty factors that have influenced the destiny of the world.<sup>1</sup>

NOW I lay me down to sleep,  
 I pray the Lord my soul to keep.  
 If I should die before I wake,  
 I pray the Lord my soul to take.  
 Good children must  
*Fear God all day, Love Christ alway,*  
*Parents obey, In secret pray,*  
*No false thing say, Mind little play,*  
*By no sin stray, Make no delay,*  
*In doing good.*  
 Awake, arise, behold thou hast,  
 Thy life, a leaf, thy breath, a blast;  
 At night lie down prepar'd to have  
 Thy sleep, thy death, thy bed, thy grave.

A PAGE FROM THE PAISLEY EDITION OF THE NEW ENGLAND PRIMER, 1781. The evening prayer appeared first in print in the second edition of the Primer, almost a hundred years earlier.

James Russell Lowell, after a delightful reminiscence of the New England crossroads schoolhouse, continues:—

“Now this little building, and others like it, were an original kind of fortification invented by the founders of New England. These are the martello-towers that protect our coast. This was the great discovery of our Puritan forefathers. They were the first lawgivers who saw clearly, *and enforced practically*, the simple moral and political truth, that knowl-

the good education of children is of *singular behoof and benefit to any Commonwealth*,” etc. (Each Massachusetts educational statute was copied within two or three years in New Haven and Connecticut.)

<sup>1</sup> See *Source Book*, No. 82, for this Act in full, and for extracts from other school laws of the time. See, also, extracts in No. 83 as to town schools.

edge was not an alms, to be dependent on the chance charity of private men or the precarious pittance of a trust-fund, but a sacred debt *which the commonwealth owed to every one of its children*. The opening of the first grammar-school was the opening of the first trench against monopoly in state and church; the first row of pot-hooks and trammels which the little Shearjashubs and Elkanahs blotted and blubbered across their copy-books was *the preamble to the Declaration of Independence*."

The Puritan plan embraced a *complete* state system *from primary school to "university"*. In 1636, a year after Boston established the first town school, Massachusetts established her "state university" (as Harvard truly was in the seventeenth century, though it was named for the good clergyman who afterward endowed it with his library). Then the law of 1647 *joined* primary school and university in one whole, providing that each village of a hundred householders must maintain a "grammar-school, with a teacher able to instruct youth *so as they may be fitted for the University*."

True, this noble attempt was too ambitious. Grinding poverty made it impossible for frontier villages of four or five hundred people to maintain a Latin school; and, despite heavy fines upon the towns that failed to do so, such schools gradually gave way, except in one or two large places, to a few private academies, — which came to represent the later New England idea in secondary education. Thus, the state system was broken at the middle, and both extremities suffered. The universities ceased finally to be state institutions; and the primary schools deteriorated sadly, especially in the period of Puritan decline about 1700, with meager courses, short terms, and low aims. But with all its temporary failure in its first home, the Puritan ideal of a state system of public instruction was never wholly lost sight of in America.

**200. Population** in 1775 numbered 2,500,000.<sup>1</sup> One third had been born in Europe. The English nationality was dominant in every colony. In the Carolinas the Huguenots were numerous, and in South Carolina and Georgia there was a large Ger-

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<sup>1</sup> Cf. § 179.

man population. South Carolina, too, had many Highland Scots.<sup>1</sup> The largest non-English elements were found in the Middle colonies: Dutch and Germans in New York; Dutch and Swedes in Delaware; Germans, Welsh, and Celtic Irish in Pennsylvania. In the Carolinas, Virginia, and Pennsylvania, the back counties were settled mainly by the Scotch-Irish (or Presbyterian English), with a strip of German settlements between them and the older tide-water counties.

Negro slaves<sup>2</sup> made a fifth of the whole population, and half of that south of Mason and Dixon's line (§ 171). That line divided the population of the country into two nearly equal halves; but *two thirds of the Whites* were found on the north side of it.

**201.** Labor was supplied, in the main, *by free men in New England*,<sup>3</sup> *by indentured White servants* in the Middle colonies, and *by Negro slaves in the South*.

The White bond servants were of several classes. The man who sold himself into service for four or seven years in return for passage money for himself or his family, was known as a "*redemptioner*," or "*free-willer*." The German immigrants of the eighteenth century, like many of the English settlers (§ 24), came in this way. Many *White convicts* were transported from England and condemned to a term of service, — seven or fourteen years. After 1717, this class increased rapidly in number, averaging 1000 a year for the fifty years preceding the Revolution. Classed with the convicts in law, but very different from them in character, were the *political "convicts,"* — prisoners sold into service by the victorious

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<sup>1</sup> These came to America after the defeat at Culloden and the breaking up of the clan system. Curiously enough, they were Tories in the Revolution. The same conservative and loyal temper which had made them cling to the exiled House of Stuart in England made them in America adherents of King George.

<sup>2</sup> In 1619, while Virginia was still the only English colony on the continent, she received her first importation of Negro slaves, twenty in number. As late as 1648, there were only 300 in her population of 15,000. By 1670 the number had risen to 2000 (out of a total of 40,000). A century later nearly half her population was Black; while in South Carolina, more than half was Black. In Maryland the proportion was about a fourth, and in New York a seventh.

<sup>3</sup> Indentured servants had nearly disappeared from New England (except for the apprenticeship of minors); but they were still numerous in Virginia.

parties, each in turn, during the English civil wars of the seventeenth century.<sup>1</sup>

202. The condition of White servants was often a deplorable servitude. The colonial press, up to the Revolution, teems with advertisements offering rewards for runaway servants. More than seventy such notices are contained in the "Newspaper Extracts" published in the New Jersey Archives for

**THIS Day run-away from his Master**  
*Abraham Anderson of New-Marblehead, a white Man's Servant, about 16 Years of Age, with short brownish strait Hair, he is pretty clear skind, something freckled, and I think, on his left foot the top of one of his middle Toes is cut off: He carried off with him a striped worsted and wool Jacket, two tow and linnen Shirts, one pair of tow and linnen Trowsers, and one pair of tow and linnen striped Breeches, two pair of lightish coloured blue Hosi, and a new Calico Hat: His Name is Florence Sylvester alias Ned Carter: Whosoever shall apprehend and take up said Fellow, and him deliver to his abovesaid Master in New-Marblehead, in the County of York, or to Capt. Joshua Bangs in Falmouth, shall have FOUR POUNDS, lawful Money, as a Reward, and all necessary Charges paid.*  
*August 25. 1755.* *Abraham Anderson.*

ADVERTISEMENT FROM THE *Boston Weekly News Letter*, September 18, 1755. A photograph of the original, which is in the collection of the Massachusetts Historical Society.

that little colony, for only the two years, 1771, 1772. This must have meant one *runaway* servant to each 1000 of the population; and probably not half the runaways are in those advertisements. One runaway is described as "*born in the*

<sup>1</sup> Often the convicts were not hardened criminals, but rather the victims of the atrocious laws in England at the time. Many were intelligent and capable. In Maryland in 1773 a majority of all tutors and teachers are said to have been convicts. Some of them (like a much larger part of the redemptioners), after their term of service, became prosperous and useful citizens. Even in aristocratic Virginia, a transported thief rose to become attorney-general. Charles Thomson, Secretary of the Continental Congress, was a "redemptioner," as was Zenger (§ 191); and many members of colonial legislatures could be named who came to America as "bond servants."

*colony," about 50 years old, and as having "served in the last war [French War] and a carpenter by trade."*

There are still more significant and gruesome notices by jailers, proving that it was customary to arrest a vagrant workingman *on suspicion* of his being a runaway, and then, if no master appeared to claim him within a fixed time, to sell him into servitude *for his jail fees!* Some of these White "servants" are described as fitted with "iron collars." American law and custom permitted these barbarities upon the helpless poor in the days of Lexington and Bunker Hill.<sup>1</sup>

**203. Negroes were not numerous enough in the North** (except perhaps in New York) **to affect the life of the people seriously. In the South, Black slavery degraded the condition of the indentured White "servant,"** and—more serious still—made it difficult for him to find profitable and honorable work when his term of service had expired. As early as 1735, the result appeared in the presence of the class known later as "Poor Whites." In that year William Byrd (§ 165) declared that these "Ethiopians" "blow up the Pride and ruin the Industry of our White People, who, seeing a Rank of poor Creatures below them, detest work for Fear it should make them look like Slaves."

In Virginia, as a rule, slavery was mild; while in South Carolina and Georgia it was excessively brutal. In those two colonies the rice plantations called constantly for fresh importations of savage Africans. In all colonies with a large slave population there were cruel "Black Laws," to keep slaves from running away; and everywhere the general attitude of the law toward the slave was one of indifference to human rights. The worst phases of the law were not often appealed to in actual practice; but in New York in 1741, during a panic due to a supposed plot for a slave insurrection, fourteen negroes were burned at the stake (with legal formalities) and a still larger number were hanged,—all on very flimsy evidence.

**204. Dependence upon slave labor helped to keep industry purely agricultural in the South,** since the slave was unfit for

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<sup>1</sup> The class should read the six advertisements reproduced in *Source Book*, No. 117, and present other points learned by such reading.

manufactures or for the work of a skilled artisan. *Tobacco raising* was the chief employment in the tidewater districts of Maryland, Virginia, and North Carolina, and *rice cultivation* in South Carolina and Georgia.

These tidewater staples were grown mainly on *large plantations*; and the Virginia planter in particular sought to add estate to estate, and to keep land in his family by rigid laws of entail.<sup>1</sup> Between this class of large planters and the "Poor Whites," however, there was always a considerable number of *small farmers* in Virginia; and in North Carolina this element was the main one. The western counties of all the colonies were occupied exclusively in small farming.

**205.** In the Middle colonies, *foodstuffs* were raised on a large scale. These colonies **exported** to the West Indies (both English and French) most of the bread, flour, beer, beef, and pork used there. In these colonies, too, immigrant artisans from Germany early introduced **rudimentary manufactures**,—linen, pottery, glassware, hats, shoes, furniture.

**206.** In New England, **occupations were still more varied**. *The majority of the people lived still in agricultural villages and tilled small farms*; but they could not wring all their subsistence from the scanty soil. Each farmer was a "Jack-at-all-trades." In the winter days, he hewed out clapboards, staves, and shingles; and in the long evenings, at a little forge in the fireplace, he hammered out nails and tacks from a bar of iron. Even in the towns, all but the merchant and professional classes had to be able to turn their hands to a variety of work if they would prosper. Mr. Weeden tells of a certain John Marshall, a constable at Braintree, and a commissioned officer in the militia company there, who "farmed a little, made laths in the winter, was painter, carpenter, and messenger, and burned bricks, bought and sold live-stock," and who managed by these varied industries to earn about four shillings a day.

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<sup>1</sup> "Entail" is a legal arrangement to prevent land from being sold or willed away out of a fixed line of inheritance. Entail is found only where *primogeniture* (inheritance by the oldest son) is the rule.

*Manufactures* appeared, though, with one exception, on a smaller scale than in Pennsylvania. The exception was *ship-building*. New England built ships for both American and English markets. With her splendid timber at the water's



A COLONIAL FOOT-STOVE.

edge, Massachusetts could launch an oak ship at about half the cost of a like vessel in an English shipyard; and in 1775 at least a third of the vessels flying the English flag had been built in America. The swift-sailing schooner, perfected in this period (page 119), was peculiarly a New England creation. Another leading industry

was the *fisheries*,—cod, mackerel, and finally, as these bred an unrivaled race of seamen, the whale fisheries of both polar oceans.

*New England, too, was preëminently the commercial section.* Her schooners, often from villages like Gloucester, carried almost all the trade between colony and colony for the whole seaboard. And in centers like Boston and Newport (as also in New York and Philadelphia in the Middle colonies) there grew up an aristocracy of great merchants (in the old English meaning of the word), with warehouses, offices, wharves, and fleets of tall-masted ships<sup>1</sup> on every sea, and agents or correspondents in all parts of the world. One favorite "circle of exchange" was the "three cornered route": (1) New England merchants carried rum to Africa, to exchange for Negro slaves; (2) these they sold largely in the West Indies for sugar; and (3) this sugar they brought home, to make into more rum.

**207.** All the colonies imported their better grades of clothing and of other manufactures from England. The southern

<sup>1</sup> See cut on page 396.

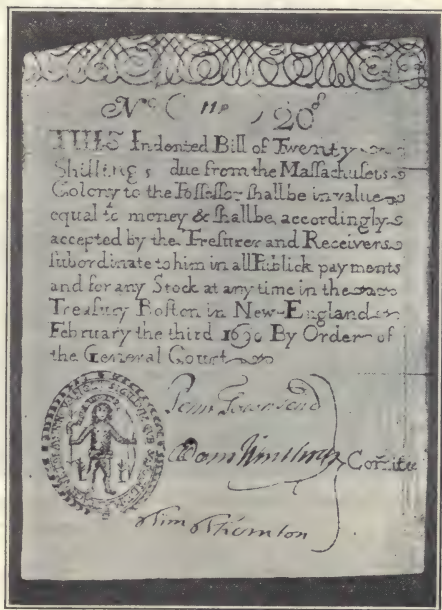
planters dealt through agents in England, to whom they consigned their tobacco. For the other colonies the "circle of exchange" was a trifle more complex. They imported from England more than they sold there. But they sold to the West Indies more than they bought, receiving the balance in money, — mainly French and Spanish coins, — with which they settled the balances against them in England.

**208.** This drain of coin to England was incessant through the whole colonial period. No coins were struck in the colonies, of course, except for the "Pine-Tree Shilling," of Massachusetts (§ 141); and there were no banks, to issue currency. Trade was largely carried on, not by money, but by barter; and in all colonies, especially in the first century, debts were settled and

taxes were paid in produce ("pay") at a rate for each kind fixed by law. (Cf. § 164 for tobacco in Virginia.)

Wages and salaries were paid in the same way. The following record of a vote by a Plymouth town meeting in 1667 hints at the difficulty of getting "good pay" in such a method:—

"That the sune of fifty pounds shalbee alowed to Mr. Cotton [the minister] for this present yeare (and his wood). To be raised by way of



MASSACHUSETTS PAPER MONEY OF 1690. From a bill in the collection of the Massachusetts Historical Society.

Rate [assessed as a tax] to be payed in such as god gives, *ever onely to be minded that a considerable parte of it shalbee payed in the best pay.*"

Toward the end of the colonial period the accounts of Harvard show that a student, afterward president of the college, paid his tuition with "an old cow" — which had to be accepted at the same value as a young and good cow.



MOUNT VERNON, the home of George Washington and a typical Southern mansion. From a photograph.

In the need of a "circulating medium" (especially during the French and Indian Wars, when the governments needed funds), *nearly all the colonies at some time after 1690 issued paper money.* The matter was always badly handled, and great depreciation followed, with serious confusion to business. In consequence, the English government finally forbade any more such issues, to the great vexation of many people in America.

**209. The South had few towns,** — none south of Baltimore, except Charleston. The ordinary planters lived in white frame houses, with a long porch in front, set at intervals of a mile or more apart, often in parklike grounds. The small class of wealthy planters lived on vaster estates, separated from

neighbors by grander distances. In any case, a true "*plantation*," like a medieval manor, was a unit, apart from the rest of the world. The planter's importations from Europe were unladen at his own wharf, and his tobacco (with that of the neighboring small farmers) was taken aboard. Leather was tanned; clothing for the hundreds of slaves was made; blacksmithing, wood-working, and other industries needful to the little community, were carried on, sometimes under the direction of White foremen. The mistress supervised weaving and spinning; the master rode over his fields to supervise cultivation. The two usually cared for the slaves, looked after them in sickness, allotted their daily rations, arranged "marriages." The central point in the plantation was the imposing mansion of brick or wood, with broad verandas, surrounded by houses for foremen and other assistants and by a number of offices. At a distance was a little village of Negro cabins. The chief bond with the outer world was the lavish hospitality between the planter's family and neighbors of like position scattered over many miles of territory.



THE "OLD SHIP" MEETING HOUSE at Hingham, Massachusetts, built in 1681. From a recent photograph.

At a distance was a little village of Negro cabins. The chief bond with the outer world was the lavish hospitality between the planter's family and neighbors of like position scattered over many miles of territory.

**210.** A wholly different society was symbolized by even the exterior of New England. Here the small farms were subdivided into petty fields by stone fences, gathered from the soil. All habitations clustered in hamlets, which dotted the landscape. Each was marked by the spire of a white church, and, seen closer, each was made up of a few wide, elm-shaded streets with rows of small but decent houses in roomy yards.

And yet, even in New England, people were expected to

dress according to their social rank; and inferiors were made to "keep their places," in churches and public inns. The club room and the inn parlor were for the gentry only: the tradesman and his wife found places in the kitchen or tap room.

**211. The symbol of the West** was neither the broad-verandahed country mansion nor the town of elm-shaded streets

clustering about a white spire. Rather it was a **stockaded fort**, with **scattered log cabins**, in their stump-dotted clearings, *spotting the forest for miles about it.*



**FORT STEUBEN, 1787.** A typical Western center of settlement. From a recent restoration.

As early as 1660, in Virginia, there was a difference noticeable between eastern and western counties. The great planters were not much attracted to the ruder frontier, and so the western districts were left almost wholly to a democratic society of small farmers. Bacon's Rebellion naturally took its rise

in these counties. All this was true *before any non-English immigration appeared in Virginia.*

So too in New England, where there was little non-English immigration until long after the Revolution. By 1700, good land was scarce in the settled districts, and the town "freeholders" were less and less willing to admit "cottagers" (§ 107) to rights of wood and pasture on the town "commons." Accordingly, the more enterprising and daring of the landless men began to strike out for themselves in new settlements far up the rivers, — usually at some point where good waterpower

suggested a mill site, and always where land could be taken almost at will. Long before the Revolution, men of New England birth had begun a new and more democratic New England in the pine woods up the Kennebec and Androscoggin in Maine, along the upper course of the Merrimac in New Hampshire, in the Green Mountains of what was one day to be "Vermont," and in the Berkshires of Massachusetts — as about Pittsfield on the upper Housatonic.

Meanwhile, further west, beyond the first mountain range, in the long valleys from Georgia to New York, the Scotch-Irish and the Germans were building the true West (§ 180). No rivers made visits and trade possible for them with the older settled area — divided from it as they were by the bristling Blue Ridge; and so here difference of race and lack of intercourse added to the earlier distinction between eastern and western districts.

But in all the western regions, English or German or Irish, east or west of the Blue Ridge, *compared with the tidewater districts*, there was little aristocracy. There were few large proprietors, few gentry, few servants, almost no slaves. The gold lace and powdered wigs of the older sections were rarely seen, and only on some official from the eastern counties. Nearly every male settler was a free proprietor working his own land with his own hands, and eating and wearing the products of his own labor. There were fewer schools and fewer clergy than in the older region; and the hard conditions of life in the wilderness, and constant touch with savage enemies, developed a rudeness of manner and a ruthless temper. Both for good and bad, **this new frontier had already begun to Americanize the old Europeanized frontier of the tidewater districts.**

FOR FURTHER READING. — Besides references in the footnotes, the attention of reading students is called to the following material: James Russell Lowell's essay "New England Two Centuries Ago" in his *Works*; Channing, II, 367-526; Alice Morse Earle's *Customs and Fashions in Old New England* and *Home Life in Colonial Days*. Fiction: Mary Johnston's *Prisoners of Hope*; F. J. Stimson's *King Noanett*. (Both these stories deal with White servitude.)

## PART III

### SEPARATION FROM ENGLAND

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#### CHAPTER XIX

##### HOW THE FRENCH WARS PREPARED FOR THE REVOLUTION

**212.** The seventy years of Intercolonial wars closed in 1763. They had won for England a new colonial empire ; but soon it became plain that they had also put at hazard her old empire. (1) They had prepared her old colonies in North America for union. (2) They had removed the need of her protection. (3) They brought her to tax America.

**213.** The common danger, during the long wars, had done much to bring the colonies together. In 1698, William Penn drew up a scheme for colonial federation, and in 1754, at a council of governors at Albany, Franklin presented his famous plan for union (*Source Book*, No. 114). Between these dates *seven other like plans* appeared, and leaders from distant colonies came together to consider some of them. True, the great majority of colonists everywhere ignored or rejected all such proposals ; but *the discussion prepared men for union when a stronger motive should arise*. And without union, resistance to England would have been impossible.

**214.** The conquest of Canada removed the most pressing need of English protection. Far-sighted men had long seen that the colonies might be less true to the mother country if the dreaded French power should cease to threaten them from the north. In 1748, Peter Kalm, a shrewd Swedish traveler, wrote :—

“ It is of great advantage to the crown of England that the colonies are near a country under the government of the French . . . *There is reason*

*to believe the king was never earnest in his attempts to expel the French. . . . These dangerous neighbors are the reason why the love of the colonies for their metropolis does not utterly decline."*

Probably, in the italicized sentence, Kalm had in mind the fact that, in King George's War (then just closed), the English ministry had refused to coöperate with the colonies for the conquest of Canada. In the "French and Indian" War, Pitt threw aside this ignoble caution, and brought about the conquest. Even then, some Englishmen urged that England ought to restore Canada to France, in order to hold her old empire more securely ;<sup>1</sup> and the French statesman, Vergennes, prophesied : —

"England will soon repent of having removed the only check that could keep her colonies in awe. *They no longer need her protection. She will call upon them to contribute toward the support of burdens they have helped bring upon her ; and they will answer by striking off all dependence."*

**215.** The colonies had been held to England by ties internal and external, — by affection and by foreign peril. The internal tie, however, had already been sapped, insensibly, (1) by a large non-English immigration (§ 179) and (2) by the long friction over Navigation Acts, paper money, royal vetoes, governors' salaries, and so on (§§ 183 ff.). Now the external bond, too, was loosened, and *a shock might jar the two halves of the empire apart. The Intercolonial wars led England to give this shock* — first by her "writs of assistance" to enforce old laws, and then by new taxation, in the Sugar Act of 1764 and in the Stamp Act.

**216.** The "**writs of assistance**" were used to enforce the old Navigation Acts with a new energy. This policy began with Pitt, during the French and Indian War. The *original purpose* was, not to raise revenue, but to stop what Pitt indignantly and truly called

"an illegal and most pernicious Trade . . . by which the Enemy . . . is supplied with Provisions and other Necessaries, *whereby they are principally, if not alone, enabled to sustain and protract this long and expensive War.*"

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<sup>1</sup> Woodburn's *Lecky's American Revolution*, 3-5, gives a striking extract from such an argument by William Burke, a kinsman of the orator Burke.

The French armies in Canada and the French fleets in the West Indies were fed by provisions shipped to them from New England, at the very time that England was fighting desperately to protect New England against those armies and fleets. Many colonists confused this shameful trade with the ordinary smuggling which had long made parts of the navigation laws a dead letter. On the other side, the customs officials fell back upon remedies as bad as the evil. In 1755, they began to use *general search warrants*, known as "writs of assistance." This form of warrant had grown up in England in the evil times of the Stuart kings. It ran counter to the ancient English principle that a man's house was "his castle," into which not even the officer of the law might enter without the owner's permission, *except upon definite cause shown*. Unlike ordinary search warrants, these new documents did not name a *particular place* to be searched or a *particular thing* to be searched for, nor did they make public the *name of the informer* upon whose testimony they were issued. They authorized any officer to enter any house upon any suspicion, and "were directed against a whole people." They might easily become instruments of tyranny, and even of personal revenge by petty officials.

**217.** When George III came to the throne, in 1760, all writs of the past reign expired. Accordingly, **in 1761, a revenue officer at Boston asked a Massachusetts court to issue new "writs of assistance."** It then became the place of James Otis, the brilliant young Advocate General, to argue for them. Instead, he resigned his office, and took the case against them.

"Otis was a flame of fire. Then and there the child Independence was born."<sup>1</sup> He called the general warrants "the worst instrument of arbitrary power, the most destructive of English liberty and of the fundamental principles of law, that ever was found in an English law book." He contended, he said, against "a kind of power, the exercise of which had cost one king

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<sup>1</sup> So wrote John Adams some years afterward. The other quotations in the paragraph are from notes taken at the time by Adams, then a law student.

of England his crown, and another his head. . . . No Act of Parliament can establish such a writ. . . . *An act against the constitution is void.*"

Otis lost the case; but his fiery eloquence roused the people to open the whole question of parliamentary control. Soon afterward, he published his views in two pamphlets which were widely read. "God made all men *naturally equal*," he affirmed. Government is "instituted for the benefit of the governed," and harmful government should be destroyed. Parliament he recognized as supreme (so long as it governed fitly), but he urged that the colonists, besides keeping their local legislatures, "*should also be represented, in some proportion to their number and estates, in the grand legislature of the nation.*"

**218.** In 1763, peace removed the especial need for writs of assistance; and for a time the Americans forgot all past irritation in their enthusiastic gratitude to England for the conquest of Canada. But in a few months a new head of the English ministry reopened all the old wounds. This was **George Grenville**, an earnest, narrow man, without tact or statesmanship, **bent upon raising revenue in America.**

A strong case could be made out for that plan. The Inter-colonial wars had made England the greatest world power; but they left her, too, staggering under a debt such as no country to that time had dreamed of. The colonists were prosperous and lightly burdened. Eight millions of Englishmen owed a war debt of *ninety* dollars a head—incurred largely in defending two million colonials, whose debt counted less than *two* dollars a head.

Nor could the colonists excuse themselves on the ground that they had done enough in the wars. The struggles in America had been little more than scattered skirmishes, compared with the Titanic conflicts in the Old World. Pitt had declared that he would "conquer [French] America in Germany," and, with the aid of Frederick the Great, he did it.<sup>1</sup>

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<sup>1</sup> *Modern World*, §§ 492-494.

Even in America, England had furnished fully half the troops<sup>1</sup> and nearly all the money — *repaying each colony for all expense in maintaining its own troops when outside its own borders.*

Still Grenville did not expect the colonies to pay any part of the debt already incurred by England. He meant only to have them bear a part of the cost of *their own defense for the future* English statesmen agreed that, to guard against French reconquest and Indian outbreaks, it was necessary to keep ten thousand troops in America.

**219.** It was easy to find evidence that seemed to show the need of such a garrison. Pontiac's War, the most terrible Indian outbreak the colonists ever knew, came just at the close of the French War, in 1763, and raged for more than a year, sweeping bare, with torch and tomahawk, a long stretch of western country. A few British regiments, left in the country from the preceding war, were the only reason the disaster was not unspeakably worse. *For six months they were the only troops in the field.* The Pennsylvania legislature, despite frantic appeals from the governor, delayed to provide defense for its own frontier, — partly from Quaker principles, but more from a shameful dislike felt by the older districts for the Scotch-Irish western counties. The savages, having worked their will in that province, carried their raids across its southern border, getting into the rear of a small force with which George Washington was striving gallantly to guard the western frontier of Virginia. Washington's force, too, was for months altogether insufficient for its task. His letters to the governor of Virginia complained bitterly of his need for reinforcements; but the governor's earnest entreaties to the

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<sup>1</sup> In the Crown Point expedition of 1755 (*before war was declared*), the 3000 Colonials made the whole force; and during the next year 4000 of the 5000 troops in the field were Colonials. But after England formally declared war, English troops plainly preponderated. Amherst at Louisburg had only 100 Colonials among his 11,000 troops. At Quebec, Wolfe had 8500 regulars and only 700 Americans — whom he described as "the dirtiest, most contemptible, cowardly dogs . . . such rascals as are an encumbrance to an army."

legislature for supplies bore fruit very slowly. Washington declared that he would have been wholly helpless for a long, critical time, *had he not had under his command a small troop of English soldiers.*

**220.** *But the colonists had many times made it plain that their Assemblies would give no money to support a standing army.* Indeed they feared that such a garrison might sometime be used by a despotic government in England to take away their liberties.<sup>1</sup> Accordingly **Grenville decided to get the money for the support of a garrison by taxing the colonists through parliament.** (1) He would make the Navigation Acts a *source of revenue*, instead of merely a means of benefiting English merchants; and (2) he would raise money in America by internal taxes,—a thing never before attempted.

In 1764 Grenville ordered that the Navigation Acts be enforced rigidly; and zealous revenue officers in America spread dismay and irritation by suddenly seizing many ships with cargoes of smuggled goods. Then, upon communities already angry and suspicious, fell news of a new tax law.

**221.** This was the “**Sugar Act**” of 1764. The old Sugar Act of 1733 (§ 185) had tried to *check* the importation of sugar from the French West Indies—in the interest of the British West Indies; but this law had never been enforced. The new “**Sugar Act**” (1) provided machinery more efficient than ever before, to enforce the whole system of navigation laws; (2) revised those laws so as to raise more revenue; and (3) **forbade absolutely all trade with the French West Indies**—which were a chief market for the products of New England and of the Middle colonies (§§ 205, 206).

The *commercial colonies* were angered and alarmed. They had never so feared French conquest as they now feared the loss of French trade. With every mail from America, a storm of protests assailed the ministry. But the Sugar Act

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<sup>1</sup> See *Source Book*, No. 133 b, for a resolution by a Virginia “Convention” on this matter—quite in accord with the old English prejudice against a standing army in time of peace.

did not directly affect the *southern colonies*; and therefore resistance to it could not arouse a united America. Moreover, though this law did aim to raise revenue, still *in form* it was like preceding navigation laws, to which the colonists were accustomed. The leaders of public opinion needed a better rallying cry than it gave, to array the colonies against English rule.

**222. The Stamp Act** gave this better opportunity. Early in 1764, Grenville made the plan of this law public. Parliament promptly adopted resolutions approving the plan, but gave the colonies a year more to provide some other means for supporting a garrison, if they preferred.

The colonies suggested no other plan, but they made loud protests against this one. In the fall of 1764, the Sugar Act fell into the background; and from colonial town meetings and Assemblies petitions began to assail the ministry against the unconstitutional nature of the proposed Stamp Act. These communications Grenville never presented to parliament. In March, 1765, parliament enacted the law almost without discussion, and with no suspicion of the storm about to break.

The Stamp Act was modeled upon a law in force in Great Britain. It required the use of stamps or stamped paper for *newspapers, pamphlets, cards and dice, and for all legal documents* (wills, deeds, writs). In a few instances, where the document recorded some important grant, the cost of the stamp rose to several pounds; but, as a rule, it ranged from a penny to a shilling. Not a penny was to go to England. *The whole revenue was appropriated to the future support of an American garrison.*

**223. Now came a significant change in the agitation in America.** Astute leaders seized the chance to rally public dissatisfaction against England by appeals to the old English cry, — “No taxation without representation.” In opposing the Sugar Act, the colonists opposed an immediate injury to their pocket books; but, from 1765, they contended, not against actual oppression, but against *a principle which might lead to oppression*. “They made their stand,” says Moses Coit Tyler, “not against tyranny inflicted, but against tyranny anticipated.” The freest people of their age, they were fit for more freedom.

## CHAPTER XX

### THE UNDERLYING CAUSES OF THE REVOLUTION

**224.** The English colonial system had guided and guarded the colonies while they needed help and protection. It was not tyrannical; but it was sometimes selfish and often short-sighted, and it always carried the possibility of further interference.<sup>1</sup> True, until 1764, actual interference had never been seriously hurtful. Often it had been helpful. But *any* interference was vexatious to a proud people, who now felt safe enough and strong enough to manage their own affairs. **The Americans had outgrown any colonial system possible in that day.** They were grown up. The time had come for independence.

Mellin Chamberlain, in one of his historical addresses, puts the cause of the Revolution in a nutshell. Levi Preston was one of the minutemen of Danvers who ran sixteen miles to get into the Lexington fight. Nearly seventy years afterward, Mr. Chamberlain interviewed the old veteran as to his reasons that April morning. "Oppressions?" said the aroused veteran; "what were they? I didn't feel any." "Stamp Act?" "I never saw one of the stamps." "Tea tax?" "I never drank a drop of the stuff; the boys threw it all overboard." "Well, I suppose you had been reading Sidney or Locke about the eternal principles of liberty." "Never heard of them. We read only the Bible, the Catechism, Watt's Hymns, and the Almanac." "Then what did you mean by going into that fight?" "Young man, what we meant in going for those redcoats was this: *we always had governed ourselves, and we always meant to. They didn't mean we should.*"

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<sup>1</sup> Many shrewd observers (John Adams among others) believed that the Revolution was caused largely by dread of *ecclesiastical* interference. Several times it had been suggested that England should establish bishops in America. Even the most strongly Episcopalian colonies, like Virginia and Maryland, resisted this proposal (needful as bishops were to the true efficiency of their form of church organization) because of the *political* power of such officers of the church at that time. (See cut on p. 186.) After the Revolution a bishop, consecrated in England, was received without a murmur.



A COLONIAL CARTOON suggested by a proposal of Lord Hillsborough, Colonial Secretary, to send a bishop to America.

**225.** In growing up, *America had grown away from England.* If all of England had been picked up in the seventeenth century and set down, strung out along the thousand miles of American coast from Maine to Georgia, its development during the next two centuries would have been very different from what it actually was in the little European island. The new physical conditions would have caused a difference. But not *all* England had been transplanted, only certain *selected people* and *selected institutions*, — upon the whole, too, *the more democratic elements.* No hereditary nobility was established in America, and neither monarch nor bishop in person appeared in American society. No wonder, then, that by 1775 *European English and American English could no longer understand each other's ideas.*

**226.** Thus both sections of Englishmen clung to the doctrine "No taxation without representation"; but these words meant one thing in England and a very different thing in America. **In England, since 1688, representative institutions had been shrinking,** — becoming more and more *virtual*.<sup>1</sup> **In America, representative institutions had been expanding,** — becoming more and more *real*. The English system had become, in Macaulay's words, "a monstrous system of represented ruins and unrepresented cities." Many populous cities had grown up without gaining representation, while many decayed cities, perhaps without a single inhabitant, or with only a handful of voters (pocket or rotten boroughs), kept their ancient "representation." In reality, a small body of landlords *appointed* a majority of the House of Commons, and many "representatives" were utterly unknown in the places they "represented."

To an Englishman, accustomed to this system, and content with it, "No taxation without representation" meant no taxation by royal edict: no taxation except by the House of Commons, a "representative" body. Such an Englishman might argue (as Lord Mansfield did) that parliament represented

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<sup>1</sup> A concise three-page account of that shrinkage of representative government in England in the eighteenth century will be found in the *Modern World*, §§ 741-743.

Massachusetts as much as it did the English Manchester, which equally with Massachusetts was without votes for parliament. There were more men in England who were taxed and who could not vote than there were inhabitants in all America. Parliament *virtually* represented the colonies, and therefore had the right to tax them.

The argument was weak, even if representation was to remain "virtual." Manchester, though without votes, was sure to influence parliament, and to be understood by parliament, far better than distant Massachusetts.

But the American was not content with *virtual* representation: he was accustomed in his own colony to *real* representation. True, there were imperfections in the American system. Some colonies, notably Pennsylvania and the Carolinas, had been slow to grant a proper share in their legislatures to their own western counties (§ 231). But, upon the whole, the electoral districts were about equal in population; the franchise was extended far enough to reach most men with a little property; and each little district chose for its representative, at frequent intervals, a man living in its midst and well known to the voters. To the American, "No taxation without representation" meant no taxation except by a representative body in his own colony, chosen under such conditions as these.<sup>1</sup> *In this dispute the Englishman stood upon the old meaning of the phrase. The American stood for a new meaning, truer and higher, more in accord with future progress.*

**227.** The problem, however, was not merely about taxation: it was a question, also, of maintaining the unity of the British

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<sup>1</sup> In 1774 a public meeting in Fairfax County, Virginia, presided over by George Washington, adopted a long list of resolutions, — among them the following: "That the powers over the people of America, now claimed by the British House of Commons, — *in whose election we have no share*; in whose determinations we have no influence; whose information must always be defective . . . who in many instances may have a separate, and in some an opposite interest to ours; and who are removed from those impressions of tenderness and compassion arising from personal intercourse . . . must, if continued, establish the most grievous . . . tyranny."

**Empire**, — the greatest free state the world had ever seen. To preserve that state appealed to a noble patriotism on both sides the Atlantic.

Most people, too, thought union with England essential to the very existence of the colonies. Plainly the *separate* colonies were too weak to stand alone; and their union, except through England, seemed the wildest of dreams. During the past seventy years, colony after colony, for time after time, had been guilty of sacrificing the safety of a neighbor to sordid parsimony or to mean jealousy.

Any detailed story of the Intercolonial wars abounds in illustrations. One has already been noticed, in § 219. Massachusetts once exposed her own borders, together with those of other New England colonies, to the ravages of torch and tomahawk, because the legislature disliked certain capable officers (Fiske's *New France and New England*, 242 ff.). Peter Kalm (§ 214) wrote: "It has *commonly* happened that while some provinces have been suffering from their enemies, the neighboring ones were quiet and inactive . . . as if it did not in the least concern them. They have frequently taken two or three years in considering whether they should give assistance. . . ." And even James Otis wrote, in 1765: "God forbid these colonies should ever prove undutiful to their mother country. . . . *Were the colonies left to themselves to-morrow, America would be a mere shambles of blood and confusion.*"

Englishmen argued that the essential unity of the empire could be preserved only by recognizing a supreme power in parliament to bind all parts of the empire in all matters whatsoever, including taxation. Americans confessed, gratefully, that union with England was "the source of our greatest happiness"; but they denied the authority of parliament to tax them, and so were soon driven to deny *any* authority in parliament.

**228.** The situation was new. Within two or three generations, England had been transformed from a little island state, with a few outlying plantations, into the center of a world empire. Within the same period, the relative power of king and parliament had shifted greatly in England itself. This change made necessary a new relation between parliament and

the colonies; *but just what that relation ought to be was not agreed.*

*The most promising theory*, in accord with the new conditions, was the one stated in a noble passage toward the close of Burke's great oration on American taxation.

"I look upon the imperial rights of Great Britain and the privileges which the colonists ought to enjoy under those rights to be just the most reconcilable things in the world. The parliament of Great Britain sits at the head of her extensive empire in *two* capacities: one as the local legislature of this island. . . . The other, and I think her nobler, capacity is what I call her *imperial character*, in which, as from the throne of heaven, she superintends all the inferior legislatures, and guides and controls them all, without annihilating any. . . . It is necessary to coerce the negligent, to restrain the violent, and to aid the weak . . . by the over-ruling plenitude of her power." Parliament, the orator continues, is not to intrude into the place of an inferior colonial legislature *while that body answers to its proper functions*; "but, to enable parliament to accomplish these ends of beneficent superintendence, *her power must be boundless*," — including even the power to tax, Burke adds explicitly, though he regards that as a *reserve power*, to be used only in the last extremity, as "*an instrument of empire, not a means of supply.*"

That is, Burke would have had parliament recognized as possessing absolute power, in order that *at need* it might preserve the empire; but he would have had it waive its authority *in ordinary times* in favor of the rights of the colonists to self-government through their local legislatures.<sup>1</sup>

*But to work this plan of Burke's called for tact and generosity*, especially while the two parts of the English world were getting used to the new conditions. **Neither tact nor generosity**

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<sup>1</sup> This plan was better than the absurd contention to which William Pitt was driven, — that Parliament might govern the colonies in all other matters but might not tax them, because "*taxation is no part of the governing or legislative power.*" When Pitt's great intellect could find no way but this to reconcile freedom and empire, the difficulty must have been great indeed. One solution would have been correct theoretically, — to give the colonies representation in a reformed parliament. This plan was suggested by James Otis, and was approved by Franklin in America and by Adam Smith in England; but, in practice, representation of the colonies could not have worked in that day, while steam and electricity had not yet conquered time and space.

marked Charles Townshend or Lord North; and the clumsy machinery of government broke down.

**229.** Even so, parliament let the ministry drive the colonists to rebellion only because parliament itself represented England only *virtually*. The contention between King George's government and the colonies had become intermingled with a struggle for the reform of parliament at home. For some time the Whig leaders in England had demanded vehemently that the franchise be broadened and that parliament be made *really* representative of the nation. If the demand of the Americans regarding taxation and representation were granted, then it would not be possible for the government much longer to refuse this demand for representation by English cities like Manchester.

But this was just what George III<sup>1</sup> dreaded. He thought it his duty to recover the kingly power that had vanished since the English Revolution. To do this, he must be able to control parliament. The easiest way to control parliament was to pack that body with his own appointees from rotten and pocket boroughs. In a reformed parliament, this would no longer be possible. The King, therefore, was ready to force on a war against the American claim in order to shove aside the reform movement in England.

**230.** The American Revolution is seen imperfectly, if it is looked upon solely as a struggle between England and America. It was a strife of principles. It was a part of a thousand-year-long contest between the English-speaking people and their kings for more political liberty. In 1776 the most advanced part of that people lived on this side of the Atlantic. The popular claims were made here, and the struggle was fought

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<sup>1</sup> An American writer says well of George III (Ford, *American Politics*, 344): "In his private life he exactly fulfilled the popular ideal of a good ruler. In an age when society was recklessly dissolute, he was chaste in conduct, temperate in diet, and simple in manners. While irreligion abounded, he kept a virtuous home, whose days, beginning with family prayer, were passed in laborious performance of duty." King George was exceedingly conscientious, but exceedingly wrong-headed and narrow-minded. He was a good man but a bad king.

out here; *but in many ways the Revolution was a true civil war.* Many Americans were not in favor of fighting, and many Englishmen were glad that America did fight.

This feeling found expression even within parliament. The resolution of Patrick Henry declaring that the attempt to tax America, if successful, would result in the ruin of British liberty also, was echoed by the great speech of William Pitt, when he "rejoiced" that America had resisted, and declared that victory over the colonies would be of ill omen for English liberty: "America, if she fell, would fall like the strong man: she would embrace the pillars of the state, and pull down the constitution along with her." When troops were sent to Boston in 1774, the Earl of Rockingham and other Whig lords presented a protest to be inscribed on the journals of parliament, and the Duke of Richmond broke out: "I hope from the bottom of my heart that the Americans may resist and get the better of the forces sent against them." Charles Fox, a Whig leader, spoke of Washington's first defeat as "the terrible news from Long Island," and, in common with many Whigs, repeatedly called the American cause "the cause of liberty." As late as 1782, only four months before peace was made, the younger William Pitt asserted in parliament that if the House of Commons had not imperfectly represented the nation, it would never have been possible to carry on that "most accursed, wicked, barbarous, cruel, unjust, and diabolical war."

**231. The American movement for independence was intertwined, too, with a social upheaval.** This social unrest had three phases.

*a.* In nearly all the colonies, *a group of families* — pets of the crown or of the proprietor — *monopolized office and special privilege.* Other great families (like the Livingstones and Schuylers in New York) felt aggrieved, and therefore were perhaps more inclined to the movement for independence.

*b.* *The western sections* of many colonies<sup>1</sup> *felt themselves oppressed by the older sections.* The inhabitants of the new

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<sup>1</sup>Notably of Pennsylvania and the Carolinas, but also, in some degree, of Virginia, Massachusetts, and New Hampshire.

western counties sometimes differed from their eastern brethren in religion or even in race; and they were not given their fair representation in the colonial legislature which taxed and governed them,—but which sometimes failed to protect them against Indians. In 1780 Thomas Jefferson declared that “19,000 men below the Falls [in Virginia] give law to 30,000 in other [western] parts” of the State. Sheriffs and other officials of the western counties, too, were often non-residents, appointed from the eastern counties. Law courts were controlled by the older sections; and in the western districts they met at long intervals and at long distances from much of the population. And fees exacted for court services and by all these appointed officers seemed exorbitant, and were sometimes made so by disreputable trickery.

In 1763, a certain Edmund Fanning was appointed Register for the county of Orange in western North Carolina. It was commonly reported that he was impecunious when he received the appointment, and that he accumulated £10,000 in two years by extortion. The following verses were current as early as 1765.

“ When Fanning first to Orange came,  
He looked both pale and wan;  
An old patched coat upon his back,  
An old mare he rode on.  
Both man and mare warn’t worth five pounds,  
As I’ve been often told;  
*But by his civil robberies*  
*He’s laced his coat with gold.”*

The “Regulators” at one time dragged Fanning from the courthouse by the heels and flogged him, and at a later date burned his house.

In North Carolina, after several years of serious friction, the oppressed pioneers set up a revolutionary organization in 1769 known as committees of “Regulators,” to prevent the collection of taxes. But the eastern counties, which controlled the legislature, raised an army, and, in 1772, ended the “War of the Regulation” after a bloody campaign. *The Regulation was not directed in any way against England*, and must not be regarded

as an opening campaign of the Revolution. Indeed, the militia that restored oppression was the militia which three years later rose against England; and the defeated "Regulators," refusing to join their past oppressors, in large part became Tories. But if the internal conflict could have been delayed three or four years, the Westerners would no doubt have dominated the Revolution itself in their State.

*That was what happened in Pennsylvania.* Pennsylvania also was on the verge of civil war; but, happily, internal conflict was postponed long enough so that in the disorders of the general movement against England, the western radicals, with their sympathizers elsewhere in the colony, found opportunity to seize the upper hand. In Pennsylvania, the Revolution was a true internal revolution. Old leaders were set aside; the franchise was extended to the democratic element; *and a new reapportionment brought the democratic West into power.* In most of the colonies north of the Carolinas, a like influence was felt in some degree, — notably in Virginia (§§ 234, 444, note).

*c. Even in the older sections new men and a more democratic portion of society came to the front.* Especially in the years 1774–1775, the weight in favor of resistance to English control was often cast by a "union of mechanics," as in Charleston and Philadelphia, against the wishes of the more conservative merchants and professional men.

And aristocratic patriots, like John Adams, if they were not to fail, had to accept the aid not only of the artisans but even of classes still lower, — men who had not possessed a vote but who now, in times of disorder, often seized it. In many half-formal elections to early Revolutionary "conventions," the disfranchised classes voted, — sometimes on the explicit invitation of the Revolutionary committees, sometimes because it was not easy to stop them. Afterward, the new State governments found it hard not to recognize in some degree the power that had helped make them — especially as they continued to need that help. *It was due largely to the nameless workingmen,*

*and to the democratic frontier communities, that the internal "revolution" widened the franchise somewhat and did away with the grossest forms of White servitude.*

**232. Colonial Americans had been lazy.** Critics so unlike as Hamilton and Jefferson agree in ascribing this quality to their countrymen; and all foreign observers dwelt upon it as an American trait. **But within forty years after the Revolution this characteristic had been replaced by that restless, pushing, nervous, strenuous activity** which has ever since, in the eyes of all peoples, been the distinguishing mark of American life. *One great factor in that tremendous and sudden change in a people's character was the Revolution, because it opened opportunities more equally to all, and so called forth new social energies.*

Englishmen of that day sometimes believed sincerely that the Revolution was the work of a group of "soreheads." George Washington as a youth had been refused a coveted commission in the British Army. Sam Adams' father had been ruined by the wise British veto of a proposed Massachusetts "Land Bank." The older Otis had failed to secure an appointment on the Massachusetts Bench. Alexander Hamilton was a penniless and briefless law student, with no chance for special advancement unless by fishing in troubled waters.

All this, of course, as an explanation of the part played by Washington, Adams, Otis, and Hamilton, was as absurd as was the view of many Americans that high-minded men like Chief Justice Oliver and Governor Hutchinson of Massachusetts were Loyalists simply in order to cling to office and salary. But had the British charge been true, what greater condemnation could be devised for the old colonial system than that under it George Washington could not get a petty lieutenant's appointment, and that a genius like Hamilton had practically no chance for advancement unless taken up by some great gentlemen? *Such a system needed overthrowing, in the interest, not of these individuals, but of society as a whole.*

## CHAPTER XXI

### TEN YEARS OF AGITATION, 1765-1774

**233.** The Stamp Act was to go into effect in November. The news reached the colonies in April and May. The colonists had done all they could to prevent the law from being made; but now that it *was* law, nearly all the old leaders at first expected it to be obeyed. Even Otis declared it to be the "duty of all humbly . . . to acquiesce in the decision of the supreme legislature." And Franklin wrote home, — thinking chiefly, it would seem, of the money burden, — "We might as well have hindered the sun's setting. . . . Since it is down . . . let us make as good a night of it as we can. Frugality and industry will go a great way toward indemnifying us." Franklin even solicited the English government to appoint his friends as stamp distributors.

**234.** But while the old leaders sought to reconcile themselves to the law, **popular discontent was smoldering**; and soon a **new leader fanned it into flame**. May 29, in the Virginia House of Burgesses (sitting in committee of the whole), *Patrick Henry* moved a set of seven resolutions denouncing the Stamp Act and *urging resistance to it* (*Source Book*, No. 120 a).

Henry had appeared in the Assembly for the first time only nine days before; and in the "most bloody debate" that followed he was ridiculed by "all the cyphers of the aristocracy."<sup>1</sup> Through the cordial support of the western counties, however, the resolutions were approved. The next day the House, in regular session, adopted five of them, though only by a major-

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<sup>1</sup> Thomas Jefferson, a young law student, stood in the door, and has left us his later recollections of the struggle.

ity of one vote. One day later (the last day of the session), Henry having started home, the fifth resolution — the most important of the five — was expunged from the record. But meantime *the whole seven* had been published to the world; *and these resolutions "rang the alarm bell for the continent."*

The sixth and seventh resolutions (never really adopted) asserted that the colonists were "*not bound to yield obedience*" to any law that so imposed taxation upon them from without, and denounced any one who should defend such taxation as an "enemy to his majesty's colony." These were the clauses that *sanctioned forcible resistance*.

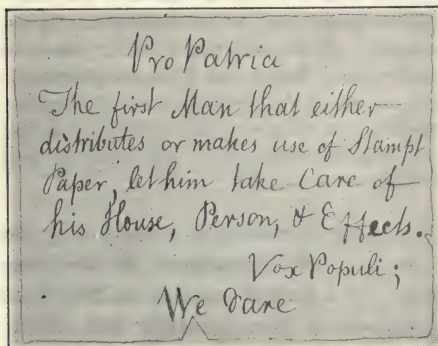
The fifth resolution declared that every attempt to vest power to tax the colonists in "any persons whatsoever" except the colonial Assemblies "*has a manifest tendency to destroy British as well as American freedom.*" It was in the debate upon this resolution that Henry startled the House by his famous warning from history. "Tarquin and Cæsar," cried his thrilling voice, "had each his Brutus; Charles the First, his Cromwell; and George the Third" — here he was interrupted by cries of Treason! Treason! from the Speaker and royalist members, but "rising to a loftier attitude," with flashing eye, the orator continued, — "may profit by their example. If this be treason, make the most of it."

**235.** On the day that Henry moved his resolutions, the **Massachusetts Assembly** invited the legislatures of the other colonies to send "**committees**" to a general meeting at New York in October. At first the suggestion was ignored; but in August and September (as public feeling mounted under the stimulus of the Virginia resolutions), colony after colony named delegates, and the **Stamp Act Congress** duly assembled. Fervently protesting loyalty to the crown, that meeting drew up a noble Declaration of Rights and a group of admirable addresses to king and parliament. It did not directly suggest forcible opposition; but it helped, mightily, to crystallize public opinion, and to give dignity to the agitation against the law. Better still, it prophesied *united* action. Christopher Gadsden, delegate from South Carolina, exclaimed — "There ought to be no New England man, no New Yorker, known on this continent; *but all of us, Americans.*"

**236.** Meanwhile, **payment of debts** to British creditors was

generally suspended,<sup>1</sup> and local associations pledged themselves **to import no British goods** until the Stamp Act should be repealed. More violent resistance was taken care of by secret societies known as *Sons of Liberty*, which terrorized the stamp distributors and compelled hesitating merchants to obey the non-importation arguments. In various places, supporters of the law were brutally handled. A Boston mob sacked the house of Thomas Hutchinson; and Andrew Oliver, stamp distributor for Massachusetts, standing under the "Liberty Tree" (on which he had been hanged in effigy shortly before), was forced, in the presence of two thousand people, to swear to a

solemn "recantation and detestation" of his office before a justice of the peace. When the day came for the law to go into effect every stamp distributor on the continent had been "persuaded" into resigning,<sup>2</sup> and no stamps were to be had. After a short period of hesitation, the courts opened as usual



A HANDBILL OF THE NEW YORK SONS OF LIBERTY. From O'Callaghan's *Documents*.

in most of the colonies, newspapers resumed publication, and all forms of business ignored the law.

**237.** In England the ministry had changed, and the new government was amazed at the uproar in the colonies. It was

<sup>1</sup> This method of coercing English public opinion was renewed in the later period of the struggle. In 1774 George Washington wrote to a friend in England: "As to withholding our remittances, that is a point on which I own I have my doubts on several accounts, but principally on that of justice."

<sup>2</sup> The *Source Book*, No. 120 c, gives the royal governor's story of the surrender of the distributor for Virginia.

deluged, too, with *petitions* for repeal from *English merchants*, who already felt the loss of American trade; and, after one of the greatest of parliamentary debates, the **Stamp Act was repealed** (March 17, 1766). No serious attempt had been made to enforce it, and no demand was made for the punishment of the rioters. The English government did ask the colonial assemblies to compensate citizens who had suffered in the riots; but even this request was attended to very imperfectly.



A REDUCED FACSIMILE, from Scharf and Wescott's *History of Philadelphia*. The skull and crossbones take the place of the stamp required by law. This paper resumed publication in one week *without stamps*.

**238.** Within a few months the English ministry was changed once more. Pitt was the head of the new government; and, excepting for Charles Townshend, all its members were "friends of America." But ill-health soon forced Pitt to give up the active management of affairs, and the brilliant but unscrupulous Townshend, *backed by the King*, seized the leadership. "From this time," says Lecky, "the conduct of the government toward America is little more than a series of deplorable blunders."

Townshend turned promptly to schemes of American taxation, and in *May, 1767*, he secured the enactment of tariff duties on *glass, red and white lead, paper, painters' colors, and tea imported into the colonies*. In the Stamp Act discussions, some Americans had objected to the stamp duties as an internal tax. Now Townshend cynically professed his readiness to give them the external taxation they preferred. This tone was bad enough to a sensitive people flushed with recent victory; and two other features made the bill unendurable: (1) Trials for attempts to evade the law were to take place before admiralty courts *without juries*; and (2) the revenue was appropriated to the payment of colonial governors and judges, so as to give the crown complete control over such officers. (Cf. § 189.)

*Thus this law began a wholly new phase of the struggle with England. In the Stamp Act period the honest purpose of the English Government had been to protect the colonies, not to oppress them. But the Townshend law was a wanton attempt to demonstrate supremacy, with no pretense of protecting America.*

Townshend died that same summer; but, for three years, **his successor, Lord North, maintained his policy**. Meantime the American continent seethed once more with pamphlets, addresses, and non-importation agreements. Assemblies denounced the law; royal governors, under strict instructions, *ordered* them to rescind, received defiant answers, and replied with messages of dissolution. Then, *in the absence of means for legal action*, the colonists turned again to illegal violence. Mobs openly landed goods that had paid no tax, and sometimes tarred and feathered the customs officials.

**239.** To check such resistance to law, **parliament, in 1769, added to its offenses by providing that a colonist, accused of treason, might be carried to England for trial**,—in flat defiance of the ancient English principle of trial by a jury *of the neighborhood*. This threat roused Virginia again. Virginia was still the most important colony. It had been less affected by the Townshend regulations than the commercial colonies had been; and the ministry had been particularly gentle toward

it, hoping to draw it away from the rest of America. But now the Assembly unanimously<sup>1</sup> adopted resolutions denouncing both the Townshend law and this recent attack on jury trial as unconstitutional and tyrannical. Nicholas, one of the Virginia leaders, declared that the new law was "fraught with worse evils than the Stamp Act, by as much as life is more precious than property"; and George Washington affirmed that it touched a matter "on which *no one ought to hesitate to take up arms.*"

The governor punished the House by immediate dissolution (*Source Book*, 121). But other Assemblies copied the Virginia resolutions or adopted similar ones; and non-importation agreements, *enforced* by semi-revolutionary committees, became nearly universal.

**240.** During this turmoil, came the Boston "Massacre." Two regiments of British regulars had been sent to Boston, in the fall of 1768, to overawe that turbulent community. This quartering of soldiery upon the town in time of peace, *not for protection, but for intimidation*, was one more infringement of fundamental English liberties. Incessant bickerings followed. Town officials quarreled with the royal governor; and the townspeople and the soldiers squabbled and indulged in fisticuffs in the streets. The troops were subjected to constant and bitter insult; and on the evening of *March 5, 1770*, came the long-delayed collision. Soldiers and people had been called into the streets by an alarm of fire. Various fracas occurred. In particular, a sentinel on duty was pelted with epithets and snowballs. Six or seven of his companions, under an officer, came to his rescue. One of them, hit by a club, shot an assailant, and immediately the rest of the squad, believing an order to fire had been given, discharged a volley into the crowd. Five persons were killed and six injured.

The next day, on the demand of a crowded town meeting, and as the only way to prevent an organized attack by the

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<sup>1</sup> The Assembly had progressed since the close division on the Henry resolutions four years before.

citizens upon the troops, Governor Hutchinson removed the regiments to a fort in the harbor. The troops had behaved well for many months, under intense provocation, and are not seriously to be blamed. The mob, no doubt, deserved blame. *But the chief condemnation falls upon the British ministry*, which had deliberately created the situation that made this "Massacre" inevitable.

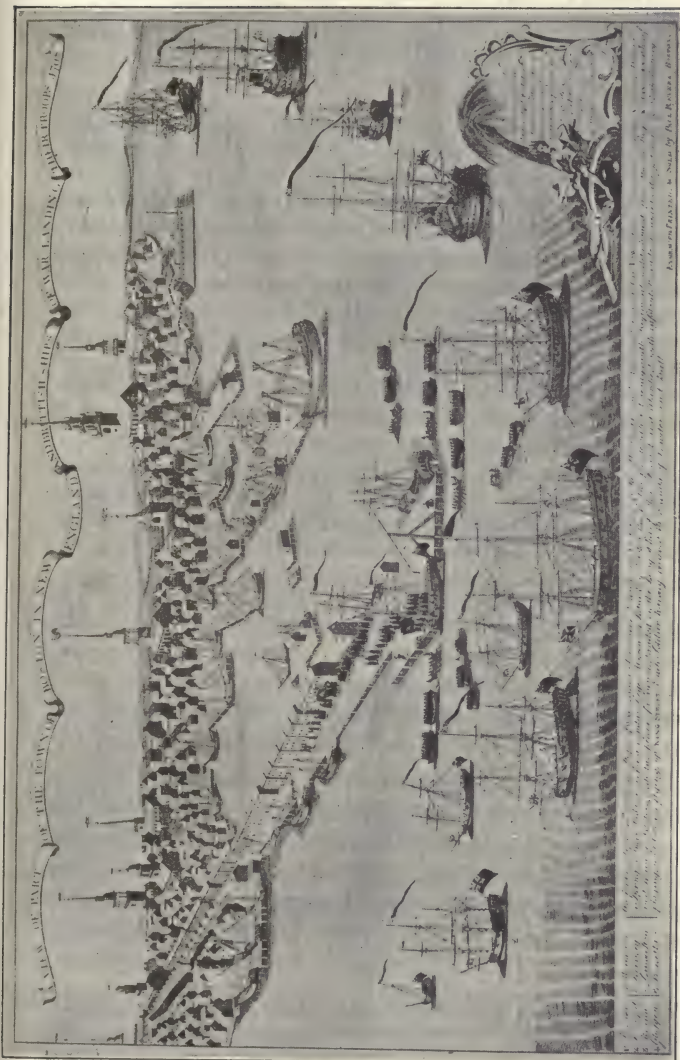
Some months later, the soldiers were tried before a Boston jury. John Adams and Josiah Quincy, leading patriots, volunteered as their counsel, risking gallantly their popularity and influence. Two of the soldiers were punished lightly; the rest were acquitted.

**241. The Townshend Acts were a failure.** They had driven the colonies to the verge of rebellion. *Each penny collected under them had cost the English treasury a shilling*, and English merchants were suffering keenly from the colonial non-importation policy. On the day of the Boston Massacre, **Lord North moved the repeal**, except for the insignificant tax on tea, giving notice also that the government would lay no more taxes in America. **The tea tax was kept**, at the King's insistence, — *to mark the principle of parliamentary supremacy.*

**242.** But instead of seeking real reconciliation, the British ministry took just this time to hector the various colonial Assemblies by arbitrary "orders" on many different subjects. When the Assemblies protested, the governors, under strict instructions, dissolved them; and at other times the usual liberties of the Assemblies, such as the choice of Speaker and place of meeting, were needlessly infringed.

During these disorders, America learned to organize itself in a semi-revolutionary manner. Committees of correspondence here and there had been a familiar feature of the agitation; but now *standing* committees took the place of the old legal Assemblies and town meetings.

**243.** On the motion of Samuel Adams, in November, 1772, a Boston town meeting appointed a committee of twenty-one to maintain correspondence with the other towns of the province upon the **infringements of their liberties** (*Source Book*, No. 122). Some such device was made necessary by the fact that the Massa-



PAUL REVERE'S ENGRAVING OF THE "BOSTON MASSACRE" REGIMENTS. The "legend," which can be made out with a good glass, refers to the "insolent parade" of the landing, — the ships having "their cannon loaded," and "each soldier having received 16 rounds of powder and ball."

chusetts Assembly was no longer free. The two hundred towns responded promptly by appointing similar committees, and soon a vigorous correspondence was going on throughout this complicated network.

"Sam Adams" was the first American political "boss," in the better sense of the word. He played with unfailing skill upon the many strings of the town meeting, working his will through committees and faithful lieutenants. He has been called "the wedge that split England and America asunder." Dr. Howard says of him (*Preliminaries of the Revolution*, 253, 254): "He possessed precisely the qualities which belong to a consummate revolutionary leader. The very narrowness of view which often prevented him from seeing the merits of his adversaries only added to this power. He had unbounded faith in democratic self-government . . . and was almost fanatical in his zeal for constitutional liberty. He had indomitable will, great tenacity of purpose, and unflinching courage. . . . He was poor in worldly goods, simple in manner and dress, and able to enter sympathetically into the thoughts and feelings of plain men. Much of his power lay in his ability to persuade and lead the fishermen, rope-makers, and ship-masters of Boston. . . . [He] had a rare talent for practical politics. He displayed a capacity for organization sometimes lapsing into intrigue, and a foresight sometimes sinking into cunning."<sup>1</sup>

**244.** But after all, each colony was fairly certain, sooner or later, to find a way to express itself through some revolutionary organization. It was not so certain that *the thirteen colonies could be united* by revolutionary machinery.

**Here the first step was taken by Virginia.** The occasion arose out of the burning of the *Gaspee*, a revenue schooner, off the Rhode Island coast—whose commander had become extremely obnoxious to the colony. In pursuit of a smuggler's boat, the *Gaspee* ran aground. It was then boarded by an armed mob, led by a prominent merchant. The commander was shot, the crew put on shore, and the vessel burned. The English government created a special commission to secure the offenders *for trial in England*. But, though the actors were well known

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<sup>1</sup> Every student should read Dr. Hosmer's delightful biography of Samuel Adams (Statesmen Series). In a much earlier essay (in the *Johns Hopkins University Studies*), Dr. Hosmer gave to his hero the title by which he is best known, "The Man of the Town Meeting."

to large numbers of people, no evidence against them could be secured ; and, indeed, Stephen Hopkins, Chief Justice of the colony, declared he would commit to prison any officer who should attempt to remove a citizen from the limits of the commonwealth.

Meantime, as in 1769 (§ 239), the attempt to send Americans to England for trial called forth ringing resolutions from the Virginia Assembly (March 12, 1773). But this time the Assembly did more than pass resolutions. It appointed a **standing committee for intercolonial correspondence**, and by formal letter **invited all other Assemblies in America to appoint similar means of intercourse** (*Source Book*, No. 123 b). Within three months, committees had been set up in half the colonies, and ere long the machinery was complete. July 2, the *New Hampshire Gazette* said of this movement : —

“ *The Union of the Colonies* which is now taking place is big with the most important Advantages to this Continent. . . . Let it be the study of all to make the Union firm and perpetual, as it will be the great Basis for Liberty and every public Blessing in America.”

**245.** The next step toward revolutionary government was to develop from the local committees a *Provincial Congress*, in colony after colony, and from the intercolonial committees of the continent a *Continental Congress*. *This was brought about in the summer and fall of 1774, as the result of three events*, — (1) the attempt of the ministry to force taxed tea down the throats of the colonists ; (2) the answer of the Boston Tea Party ; and (3) the punishment of Boston by the Port Bill.

**246.** Ever since the repeal of the other Townshend duties, the animosities of the conflict had been focused on the one taxed article, tea. For six years the colonists, for the most part, had done without that luxury — except for the smuggled article. In April of 1773 **Lord North tried an appeal to American avarice**. Tea paid a tax of a shilling a pound on reaching England, and, under the Townshend Act, threepence more on importation into America. Parliament now arranged that a rebate of the English tax (and of some other burdens) should be given the Tea Company on tea reexported to America, — *so that the colonists*

would pay only the threepence tax, and would get their tea cheaper than Englishmen could, — and cheaper than it could be smuggled. Ships loaded with this gross bait were at once dispatched to the chief American ports.

**247. But everywhere, by forcible resistance, the colonists kept the tea out of the market.** At Charleston it was stored for years, until seized by the Revolutionary government in 1776. At New York, Annapolis, and Philadelphia, mobs frightened the governors or the ship captains into sending back the tea-ships without breaking cargo.

A tea ship was expected at Philadelphia in September. The "Liberty Boys" of that city distributed a handbill among the Delaware pilots: —

" . . . We need not point out the steps you ought to take if the tea ship falls in your way. . . . This you may depend upon, — that whatever pilot brings her into the river, such pilot will be marked for his treason. . . . Like Cain, he will be hung out as a spectacle to the nations . . . as the damned traitorous pilot who brought up the tea ship. . . .

(Signed) THE COMMITTEE FOR TARRING AND FEATHERING."

Another broadside was addressed to the Captain of the expected ship: —  
 "What think you, Captain, of a Halter round your Neck, ten gallons of liquid Tar decanted on your Pate, with the feathers of a dozen wild Geese laid over that, to enliven your appearance."

All this was weeks before the Boston episode. The Philadelphia ship, however, did not arrive at the mouth of the river until four or five days *after* the Boston Tea Party; and it then sailed back to England without trying to reach the city.

*In Boston* the "Tories" were made of sterner stuff, and *the clash was more serious*. Governor Hutchinson had stationed warships in the channel to prevent the timid owner of three tea vessels from sending them away; and the customs officials prepared to land the tea *by a force of marines* as soon as the legal interval should expire. (Ships were allowed to remain only twenty days in the harbor without unloading.) Boston exhausted all means but actual violence, — and then used that so skillfully as to avoid bloodshed. At the last moment, a town meeting resolved itself into a band of Mohawks ("with

whom," says Carlyle, "Sam Adams could speak without an interpreter"), and, seizing the vessels before they passed into the hands of the officials, emptied into Boston harbor some ninety thousand dollars' worth of tea (December 16, 1773).

**248.** The short-sighted English government replied with a series of "repressive acts"<sup>1</sup> to punish Massachusetts. Town meetings were forbidden, except as authorized in writing by the governor, and for business specified by him. All courts, high and low, with all their officials, were made absolutely dependent upon his appointing and removing power. *So far as the election of the Council was concerned, the charter of 1691 was set aside, and the appointment given to the crown.* Most effective in rousing American indignation was another act of this series, the **Boston Port Bill**, which closed the port of Boston to commerce, with provision for a blockade by ships of war.

Since the entire population depended, directly or indirectly, upon commerce for their living, the town was threatened with starvation. Food and fuel at once became scarce and costly, and great numbers of men were unemployed. But all parts of America joined in sending money and supplies. South Carolina gave cargoes of rice; Philadelphia gave a thousand barrels of flour; from Connecticut came Israel Putnam driving before him his flock of sheep.

**249.** May 12, two days after the arrival of the news of the "Intolerable Acts," the committees of eight near-by towns met at Boston. This gathering sent letters to the correspondence committees of the thirteen colonies suggesting that all America should "consider Boston as suffering in the common cause, and resent the injury inflicted upon her."

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<sup>1</sup> Classed with these acts, in the minds of the colonists, was the Quebec Act which was passed at the same time. This legalized the Catholic religion, and restored part of the French law, for Canada. The design was to conciliate the French settlers (almost the sole population), and to set up some authority to deal with the existing anarchy in the fur-trade regions. No act of the series, however, caused more bitter suspicion among the English colonies, with their bigoted fear of Catholicism. The same act extended "Quebec" to include the unsettled district west of the mountains between the Great Lakes and the Ohio.

The first official response came from Virginia. May 24, 1774, the House of Burgesses set apart June 1 (when the Port Bill was to go into effect) "as a Day of Fasting, Humiliation, and Prayer, devoutly to implore the divine interposition for averting the heavy Calamity which threatens Destruction to our Civil Rights, and the Evils of civil War, and to give us one heart and one Mind firmly to oppose by all just and proper means every injury to American Rights." Two days later the governor dissolved the Assembly with sharp rebuke.

On the following day, the ex-Burgesses (influential citizens still) met at the Raleigh Tavern, and **recommended an annual congress of delegates from all the colonies** "to deliberate on those general measures which the united interests of America may *from time to time* require." *Here was a suggestion for permanent continental revolutionary government.* A second meeting of the ex-Burgesses, on May 31, *called a Convention of deputies from Virginia counties, to meet at Williamsburg on August 1*, in order to appoint Virginia delegates for the proposed continental congress and to consider a plan for non-intercourse with England. During June and July all the counties of Virginia ratified this call in county courts, by authorizing their ex-Burgesses to act for them at the proposed Convention, or by choosing new representatives to do so. *Here were the germs of revolutionary machinery for county and state.*

**250.** On this suggestion from Virginia, all the colonies but Georgia chose delegates to a congress, to meet September 1 at Philadelphia. We know this "**First Continental Congress**" of **1774** only from letters and later recollections of some of its members and from imperfect notes taken at the time by two or three delegates (*Source Book*). It sat six weeks, and was a notable gathering,—although forty years afterwards John Adams described it as "one third Tories, one third Whigs and the rest Mongrels."

The Moderate party (Adams' "Tories") desired still to use only constitutional agitation to secure redress of grievances. This element was led by Joseph Galloway of Pennsylvania,

supported by John Jay of New York and Edward Rutledge of South Carolina. The Radicals insisted that, as a prelude to reconciliation with England, the ministry must remove its troops and repeal its acts.

After strenuous debate, Galloway's proposals were rejected by a vote of *six* colonies to *five*. The Congress then *recommended* the Radical plan of a huge universal boycott, in the form of a solemn *Association*. The signers were to bind themselves neither to *import any British goods* nor to *export* their own products to Great Britain. To enforce this agreement, *efficient machinery was recommended*. Every town and county was *advised* to choose a committee, acting under the supervision of the central committee of its province, "to observe the conduct of all persons," and to have all violations "published in the gazette," that the foes to the rights of America might be "universally condemned."



CARPENTERS' HALL, PHILADELPHIA, where met the Continental Congress. From a photograph.

**251.** The "First Continental Congress" was not a legislature nor a government. The name "congress" was used to indicate its informal character. No governing body had ever held that name. *It was a meeting for consultation.* It claimed no authority to do more than advise and recommend.

*The delegates had been elected in exceedingly informal fashion,*<sup>1</sup>—by a part of a legislature, called together perhaps in an irregular way; or by a committee of correspondence; or by a mass meeting of some small part

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<sup>1</sup> Details are given in West's *American History and Government*.

of a colony, claiming to speak for the whole ; or, in six colonies, by a new sort of gatherings known as *provincial conventions*, similar to that in Virginia (§ 249). None of this first series of provincial conventions sat more than five or six days (most of them only for a day) : and none took any action except to appoint delegates to Philadelphia and to instruct them, — except that one or two provided for a second convention, to be held *after* the Continental Congress.

EXERCISE. — Distinguish between a *Continental* Congress and a *Provincial* Congress, or Provincial Convention (both names were used). Note the series of events leading to the First Continental Congress. If you could name only *one* of those events as the occasion, what one would you select ? Distinguish, for this period, between a “provincial convention” and a “provincial Assembly.”

FOR FURTHER READING. — The *Source Book* is very full for this and the following chapter. The history of the Revolution in *Virginia* may be traced, in outline, in that volume, Nos. 120-129. For secondary authorities on the whole period, Howard's *Preliminaries of the Revolution* and Van Tyne's *American Revolution* (“American Nation” series) make together an admirable treatment. Woodburn's *Lecky's American Revolution* should be accessible, as a scholarly treatment by a great English historian. Fiske's two volumes on the Revolution are delightful reading. Trevelyan's *American Revolution* is probably the best history of the period, but it is rather bulky for high school students. Though written by an Englishman, it is sympathetically American in tone, and it is brilliant in treatment. Channing's third volume, dealing with the Revolution, is a critical study, but less readable than his earlier volumes.

## CHAPTER XXII

### FROM COLONIES TO COMMONWEALTHS, 1775-1776

**252.** The Assemblies of New York and Georgia refused to ratify the recommendations of the Continental Congress. But within six months **all other colonies had adopted the Association**—either by their regular Assemblies or by “conventions”; and everywhere “committees of public safety” and mobs were terrorizing reluctant individuals into signing. Tar and feathers and “the birch seal” became common means of persuasion; and Moderates complained bitterly that, in the name of liberty, the populace refused all liberty of speech or action. A great revolution, however righteous, is sure to have its ugly phases.

**253.** The issue had changed. The question, now, was not approval or disapproval of Parliamentary taxation, but **whether resistance should be forcible**. The radical “Patriots” were probably a minority; but they *were aggressive and organized*, and eventually they whipped into line the great body of timid and indifferent people. On the other hand, many earnest “Patriots” of the preceding period now became “Tories” from repugnance to armed rebellion or to mob rule.<sup>1</sup> Thus *party lines were drawn more clearly*.

In the few cities the revolutionary movement fell largely to the democratic artisan class. June 1, 1774, the governor of New York, writing to the English government on the excitement about the Boston Port Bill, says:—

“The Men who call’d themselves the Committee [in New York]—who acted and dictated in the name of the People—were many of them of the lower Rank, and all the warmest zealots. . . . The more con-

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<sup>1</sup> See, in *Source Book*, No. 140, how even John Adams was disturbed by the glee of his horse-jockey client at the closing of the courts.

siderable Merchants and Citizens seldom or never appeared among them, but, I believe, were not displeased with the Clamor and opposition that was shown against internal Taxation by Parliament."

**254.** In the winter and spring of 1775, regular legal government broke down. In colony after colony, the governors re-

refused to let the legislature meet, and the people refused to let the governors' courts or other officials act. Then in many places, to prevent absolute lawlessness, county meetings or local committees set up some sort of *provisional* government, to last until "the restoration of harmony with Great Britain."<sup>1</sup>

During this turbulent disorder, **second provincial conventions** were held in several colonies, to act upon the recommendations of the First Continental Congress. *Some of these bodies* became **de facto governments**. They organized troops, raised money, and assumed civil powers far enough to alleviate the



THE CONCORD MINUTE MAN.<sup>2</sup>

<sup>1</sup> Action of this kind in Mecklenburg County, North Carolina, on May 30, 1775, through distorted recollections and inaccurate statements, gave rise, years later, to the curious but groundless legend of a Mecklenburg "Declaration of Independence."

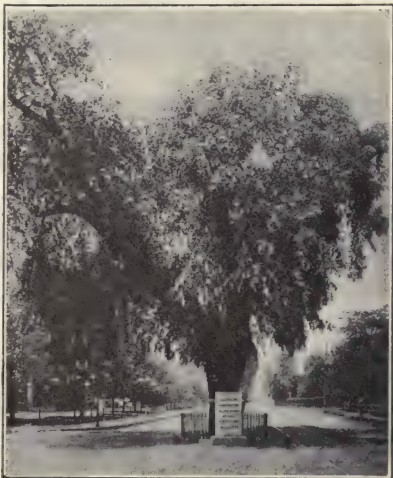
<sup>2</sup> A statue by Daniel C. French at Concord Bridge. The stanza on the base is from Emerson's "Concord Hymn":—

existing anarchy. In form, their acts were still *recommendations*; but the local committees enforced them as *law*.

Of course the "Tories" had refused to pay any attention to the "illegal" elections of such provincial conventions. Indeed, in some cases, they were even excluded from voting by test oaths. In this way the Radicals came to control the only governments in existence.

**255.** These second conventions in most of the colonies appointed delegates to the Second Continental Congress. Between the election of that body and its meeting (May 10), General Gage, commander of the British troops in Boston, tried to seize Massachusetts military stores at Concord,—and so called from "embattled farmers" "the shot heard round the world" (*April 19, 1775*). Gage had sown dragon's teeth. From New England's soil twenty thousand volunteers sprang up to besiege him in Boston. War had come.

In consequence, *the Second Continental Congress swiftly be-*



THE WASHINGTON ELM AT CAMBRIDGE.  
From a photograph taken in 1895. The inscription runs:—

Under this tree  
Washington  
first took command  
of the  
American army  
July 3, 1775.

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\* \* \* \* \*

Here once the embattled farmers stood  
And fired the shot heard round the world.

Across the stream, in a curve of the stone fence, is the grave of two British soldiers, over which have been carved the lines from Lowell:—

They came three thousand miles and died,  
To keep the Past upon its throne.

came a government, to manage the continental revolution ; and, during the summer, a third lot of provincial conventions openly avowed themselves governments for their respective colonies, — appointing committees of safety (in place of the royal governors, who had been set aside or driven out), and themselves assuming even the forms of legislative bodies.

**256.** The members of the Second Continental Congress, like those of the First, had been elected, not as a legislature, but to *formulate opinion*, and to report their recommendations back to their colonies for approval. The war changed all that. *A central government was imperative*; and the patriot party everywhere recognized the Congress as the only agent to fill that place.

For the first five weeks, that body continued to pass recommendations only. But June 15 it adopted the irregular forces about Boston as a continental army, and appointed George Washington commander in chief. A year later it proclaimed the Declaration of Independence. Between these two events it created a navy, opened negotiations with foreign states, issued bills of credit on the faith of the colonies, and took over (from the old English control) the management of Indian affairs and of the crude post office system.

**257.** But the Revolution in governments was not *one* movement. It was a whirl of thirteen State revolutions within this Continental revolution. **The development of the State government of Virginia is fairly typical.**

County gatherings in December and January (1774–1775) approved the Continental Congress and set up the Association, so that a second convention was not necessary until it came time to appoint delegates to the Second Continental Congress. Meantime, *many counties*, on their own initiative, *organized and armed a revolutionary militia* (*Source Book*, No. 132). The First Convention (August, 1774) had authorized its chairman to call a second when desirable. The Second Convention met March 20, 1775. It passed only “recommendations” *in form*; but it did organize the revolutionary militia into a state system. It sat only eight days; but it recommended the counties at once to choose delegates to a Third Convention to represent the colony *for one year*.

Governor Dunmore forbade the elections to this Third Convention as “acts of sedition”; but they passed off with

regularity. Meantime, the governor called an Assembly, to consider a proposal from Lord North, intended to draw Virginia away from the common cause. Instead of this, the Assembly gave formal sanction to all the acts of the Continental congresses and of the Virginia conventions. In the squabbles that followed, Dunmore took refuge on board a British man-of-war. The Assembly strenuously "deplored" that their governor should so "desert" the "loyal and suffering colony," and adjourned, June 24. *This ended the last vestige of royal government in Virginia.*

Three weeks later, the Third Convention gathered at Richmond (out of range of guns from warships), and promptly assumed all powers *and forms* of government. It gave all bills three readings, and enacted them as *ordinances*; and it elected an executive (a "committee of safety"), and appointed a colonial Treasurer and other needful officials. In the winter of 1776, it dissolved, that a new body, fresher from the people, might act on the pressing questions of independence and of a permanent government (§ 261).

**258. The Loyalists early began to accuse the Patriots of aiming at independence.** But, until some months after Lexington, the Patriots vehemently disavowed such "villainy," protesting enthusiastic loyalty to King George. They were ready to fight, — but only as Englishmen had often fought, to compel a change in "ministerial policy."

Otis, Dickinson, Hamilton, in their printed pamphlets, all denounced any thought of independence as a crime. Continental congresses and provincial conventions solemnly repeated such disclaimers. In March, 1775, Franklin declared that he had never heard a word in favor of independence "from any person drunk or sober." Two months later still, after Lexington, Washington soothed a Loyalist friend with the assurance "that if the friend ever heard of his [Washington's] joining in any such measure, he had leave to set him down for everything wicked"; and June 26, after becoming commander of the American armies, Washington assured the

New Yorkers that he would exert himself to establish "peace and harmony between the mother country and the colonies." In September, 1775, Jefferson was still "looking with fondness towards a reconciliation," and John Jay asserts that not until after that month did he ever hear a desire for independence from "an American of any description." For months after Bunker Hill, American chaplains, in public services before the troops, prayed for King George; and, for long, Washington continued to refer to the British army merely as the "*ministerial* troops." Even in February, 1776, when Gadsden in the

South Carolina convention expressed himself in favor of independence, he roused merely a storm of dismay, and found no support. And a month later still, Maryland instructed her delegates not to consent to any proposal for independence (*Source Book*, No. 139).



THE CONCORD FIGHT. From the imaginative painting by Simmons, in the State House at Boston.

**259.** All this was honestly meant; but the years of agitation had sapped the ties of loyalty more than men really knew, and a few months of war broke

them wholly. In the fall of 1775, the King refused contemptuously even to receive a petition for reconciliation from Congress; and soon afterward, he sent to America an army of "Hessians" hired out, for slaughter, by petty German princelings. Moreover, it became plain that, in order to resist England, the colonies must have foreign aid; and no foreign power could be expected to give us *open* aid while we remained English colonies.

Thus, unconsciously, American Patriots were ready to change

front. Then, in January, 1776, came *Thomas Paine's* daring and trenchant argument for independence in *Common Sense*. This fifty-page publication, in clarion tone, spoke out what the community hailed at once as its own unspoken thought. One hundred and twenty thousand copies sold in three months,—*one for every three families in America.*

At first the author's name was not given, and the booklet was commonly attributed to one of the Adamses or to Franklin. Paine was a poor English emigrant; of thirteen months before, whom Franklin had befriended for the "genius in his eyes." A few lines may represent his terse style.

"The period of debate is closed. Arms . . . must decide. . . . By referring the matter from argument to arms, a new era in politics is struck. . . . All plans . . . prior to the nineteenth of April are like the almanacs of last year. . . .

"Where, say some, is the king of America? I'll tell you, friend. He reigns above, and doth not make havoc of mankind, like the royal brute of Britain. . . . A government of our own is our natural right. . . . Freedom has been hunted round the globe. Asia and Africa have long expelled her. Europe regards her like a stranger; and England has given her warning to depart. O, receive the fugitive and prepare in time an asylum for mankind."

**260. Meantime, the growth of independent State governments was going on.** Several colonies had applied to Congress for counsel, in the disorders of the fall of 1775. In reply, Congress "recommended" the provincial convention of New Hampshire

"to call a full and free representation of the people . . . [to] establish such a form of government as in their judgment will best produce the happiness of the people and most effectually secure peace and good order in that province, *during the continuance of the present dispute between Great Britain and the colonies.*"

Under such advice, early in 1776, New Hampshire and South Carolina set up *provisional* constitutions. These documents, however, did not imply independence. They declared themselves temporary, and referred always to the commonwealths not as States, but as "colonies."

*But May 15, 1776*, Congress took more advanced action. It recommended the "assemblies and conventions" of all colonies, "where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such a government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and of America in general."

Two days later, in a letter to his wife, John Adams hailed this action (for which he had been the foremost champion) as "a total, absolute independence . . . for such is the amount of the resolve of the 15th."

**261.** One colony, however, had not waited for this counsel. The Fourth Virginia Convention met **May 6, 1776**, and turned at once to the questions of independence and of a constitution.<sup>1</sup> The only difference of opinion was<sup>2</sup>:—Should Virginia, *standing alone*, declare herself an independent State and frame a constitution for herself? Or should she try to get the Continental Congress to make a declaration and to suggest a general model of government *for all the new States*? Plans were presented, representing each of these views. On May 15, after much debate, the convention determined upon a middle plan. *Unanimously it instructed its representatives in Congress to move immediately for a general Declaration of Independence there; and it appointed committees at once to draw up a constitution for Virginia herself as an independent State.* This was done some days before the recommendation of Congress for State constitutions was known in Virginia.

The *bill of rights* (the first part of the constitution) was reported by the committee **May 27**, and adopted by the convention **June 12**. The "*frame of government*" was adopted **June 29**. To it at the last moment was prefixed a third part of the constitution, *a declaration of independence for Virginia, earlier than the Continental Declaration* (*Source Book*).

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<sup>1</sup> The student must get the connection with the story in § 257.

<sup>2</sup> On May 10, Charles Lee wrote to Washington, "A noble spirit possesses the Convention. They are almost unanimous for independence, but differ as to the mode. Two days will decide."

**262. The Virginia Bill of Rights**<sup>1</sup> was the first document of the kind in our history, and it remains one of our greatest state papers. Three or four States at once copied it, and all the bills of rights during the Revolutionary period show its influence. Some provisions, such as those against excessive bail, cruel or unusual punishments, arbitrary imprisonment, and the like, go back to *ancient English charters*, even for their wording. *Recent grievances* suggested certain other clauses,—the prohibition of “general warrants,” the insistence upon freedom of the press, and the emphasis upon the idea that a jury must be “of the vicinage” (neighborhood).

More significant still, *this immortal document opens with a splendid assertion of human rights*. English bills of rights had insisted upon the historic *rights of Englishmen*, but had said nothing of any *rights of man*: they had protested against *specific grievances*, but had asserted no *general principles*. Such principles, however, had found frequent expression in English literature, and thence had become household phrases with American political thinkers.<sup>2</sup> Now, these fundamental principles, upon which American government rests, were incorporated by George Mason in this Virginia bill of rights,—a fact which distinguishes that document from any previous *governmental* document in the world. Two or three weeks later, Jefferson incorporated similar principles, clothed in phrase both more eloquent and more judicious, in the opening paragraphs of the Continental Declaration of Independence.

Among the principles of the Virginia document are the statements:—

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<sup>1</sup> *Source Book*, No. 136. The class should study it (and the comment upon it there), and compare the opening passages with corresponding parts of Jefferson's Declaration of Independence.

<sup>2</sup> Cf. Otis' words, close of § 217. About 1760, this same democratic English literature began deeply to affect a few French thinkers, like Rousseau, the prophet of the later French Revolution. These men stated the old English truths with a new French brilliancy; and it is sometimes hard to say whether the American leaders drew their doctrines from the French or the older English sources.

"That all men are by nature equally free<sup>1</sup> and independent, and have certain inherent rights. . . .

"That all power is . . . derived from the people.

"That government is, or ought to be, instituted for the common benefit of the people . . . and that when any government shall be found inadequate . . . a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it. . . .

"That no free government, or the blessings of liberty, can be preserved . . . but . . . by frequent recurrence to fundamental principles.

"That . . . all men are equally entitled to the free exercise of religion, according to the dictates of conscience."<sup>2</sup>

A Declaration by the Representatives of the UNITED STATES OF AMERICA, in General Congress assembled.

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's god entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident, that all men are created equal, that they are endowed with certain unalienable rights, that among these are life, liberty, & the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, & to institute new government, laying its foundation on such principles & organizing its powers in such form as to them shall seem most likely to effect their safety & happiness. prudence indeed

ORIGINAL DRAFT OF THE DECLARATION OF INDEPENDENCE, in the handwriting of Jefferson, — "written without reference to book or pamphlet."

A photograph (reduced) from a facsimile in the Boston Public Library.

**263.** June 7, soon after the Virginia instructions of May 15 reached Philadelphia, the Virginia delegation in the Continental Congress moved that the united colonies be declared "free and in-

<sup>1</sup> According to Edmund Randolph, the phrase *equally free* was objected to as inconsistent with slavery. Such objectors were quieted with the amazing assurance that "slaves, not being constituent members of our society, could never pretend to any benefit from such a maxim." In Massachusetts, similar words in her bill of rights of 1780 were held by her courts to have abolished slavery within her limits, though that result was not thought of when the clause was adopted.

<sup>2</sup> This last clause was moved by Patrick Henry.

**dependent States."** Brief debate followed; but action was postponed, to permit uninstructed delegates to consult their Assemblies. Meantime, Congress appointed a committee to prepare a fitting "Declaration" for use if the motion should prevail. Happily it fell to Thomas Jefferson to pen the document; and his splendid faith in democracy gave it a convincing eloquence which has made it ever since a mighty power in directing the destiny of the world.

By July 1, all delegations except New York's had either received positive instructions to vote for independence or had at least been released from former restrictions against doing so; and the matter was again taken up. The first vote was divided; but on the next day (July 2) **the motion for independence was carried by the vote of twelve States.** The formal Declaration, reported by the committee, was then considered in detail, and adopted on July 4. On the 9th, a new (Fourth) Provincial Congress for New York gave the assent of that State.

Details for each State are given in West's *American History and Government*, § 150. The delegates from New York wrote home for instructions (June 10), but the Third New York Convention replied that it could not presume to give authority. A "Fourth Convention" was called at once, to act upon the matter. This was virtually a referendum. The new convention did not meet until July 9, and so the delegates from New York at Philadelphia took no part in the votes.

John Adams regarded the vote of July 2 as the decisive step. On the 3d of July he wrote to his wife: "The *second day* of July, 1776, will be the most memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations as the great anniversary festival. It ought to be commemorated as the day of deliverance, by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp and parade, with shows, games, sports, guns, bells, bonfires, and illuminations, from one end of this continent to the other, from this time foreward forever more."

**264. Military events in '76 were indecisive.** In the spring, after nearly a year's siege, Washington forced the English out of Boston; but he was unable to prevent their occupying New

York. Defeated badly at Long Island and White Plains, his sadly lessened troops fled through New Jersey into Pennsylvania; but a few weeks later he cheered the Patriots by the dashing winter victories of Trenton and Princeton. In the darkest of the dark days before those victories, Thomas Paine thrilled America with *The Crisis*. This pamphlet was a mighty factor in filling the levies and dispelling despondency. Pages of it were on men's tongues, and the opening sentence has passed into a byword,—"These are the times that try men's souls."

Meantime **the revolution in governments went on.** Said John Adams toward the close of '76,—“The manufacture of governments is as much talked of as was the manufacture of saltpeter before.” *In the six months between the Declaration of Independence and the Battle of Trenton*, seven States followed Virginia in adopting written constitutions. Georgia was hindered for a time by the predominance of her Tories; and New York, because she was held by the enemy. These States followed in '77. The remaining three States had already set up *provisional governments*. In Massachusetts and New Hampshire, these remained in force for some years. South Carolina adopted a regular constitution in '78.

Thanks to the political instinct of the people, the institution of these new governments, even in the midst of war and invasion, was accomplished quietly. As to Virginia, Jefferson wrote (August 13, '77),—"The people seem to have laid aside the monarchic, and taken up republican government, with as much ease as would have attended the throwing off an old and putting on a new suit of clothes."

## CHAPTER XXIII

### THE NEW STATE CONSTITUTIONS

[*This Chapter may well be discussed in class, with books open. It is enough if the student carries away general impressions.*]

**265.** *No one of the first eleven constitutions was voted on by the people.* In most cases the "conventions" that adopted them had no express authority to do so; and some of those conventions had been elected months before there was any talk of independence. **For the most part, the constitutions were enacted precisely as ordinary laws were.**

In Virginia, Jefferson urged a referendum on the constitution, arguing that otherwise the constitution could be repealed by any legislature, like any other statute. But this doctrine was too advanced for his State. A "union of mechanics" in New York, too, protested vigorously but vainly against the adoption of a constitution by a provincial convention without "the inhabitants at large" being permitted to "exercise the right God has given them . . . to approve or reject" it. In New England,<sup>1</sup> on the other hand, thanks to the training of the town meeting, the sovereignty of the people was understood by every artisan and farmer, as elsewhere only by lonely thinkers.

The legislatures of Rhode Island and Connecticut did adopt the old charters as constitutions (without change), without reference to the people, because it was held that the people had already sanctioned them by long acquiescence. But in New Hampshire and Massachusetts, *where new constitutions were*

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<sup>1</sup> The New York "mechanics," just quoted, were mainly of New England birth or descent. Cf. § 170.

*to be adopted, there was no serious thought of acting without a popular referendum.* Indeed, that was not enough. The people of these States demanded also a popular *initiative* in the matter.

Throughout the summer of '76, Massachusetts papers and pamphlets teemed with projects for a new government.<sup>1</sup> September 17 the Assembly asked the towns to authorize it to prepare a constitution, "to be made public for the *inspection and perusal* of the inhabitants, before the ratification thereof by the Assembly." This would have let the people only make suggestions. Massachusetts would not tolerate such a plan, *and a general opposition appeared to any action whatever by the ordinary legislature.* Various towns voted to resist the movement until — in the words of a Boston resolution — the people should elect "a convention for this purpose *and this alone.*" Still the next year (May 5, 1777) the expiring Assembly recommended that its successor should be empowered, *at the elections*, to make a constitution. Many towns again refused assent. None the less, *the new Assembly did venture to submit a constitution to the vote of the towns* (February, 1778). But less than a tenth of the towns approved the document!

At last the Assembly was converted. It now asked the towns to vote at the next election whether they would empower their delegates in the coming Assembly to call a Convention *for the sole purpose* of forming a constitution. The responses were favorable, and a Convention was called for September 1, to be chosen as regular Assemblies were. That body drew up a constitution which (March 2) was submitted to the towns. More than two thirds the towns voted to ratify; and in June, 1780, the constitution went into effect.

In New Hampshire a like method was followed; and, after three plans had been rejected, a constitution was ratified in 1783. It was many years before this method became general outside New England. No more democratic way has yet been discovered than the Massachusetts plan: (1) popular initiative; (2) a true "constitutional convention"; (3) a referendum on the result.

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<sup>1</sup> Some of these were fantastic. Democracy, of course, will show its weak points. One "farmer" published a constitution of sixty articles, which, he boasted modestly, he had prepared for the commonwealth "between the hours of 10 A.M. and 2 P.M." Opposition to any executive was common. At a slightly later date, one town voted "that it is Our Opinuiun that we do not want any Goviner but the Guviner of the univarse and under him a States Ginerall to Consult with the wrest of the united stats for the good of the whole."

**266.** The thirteen constitutions were strikingly alike.<sup>1</sup> All were "*republican*," without a trace of *hereditary* privilege. Nearly all safeguarded the rights of the individual by a distinct *bill of rights*. Most of them formally *adopted the English Common Law* as part of the law of the land. Except in Pennsylvania and Georgia (the two youngest States) the legislature had *two Houses*. Pennsylvania kept a plural executive, — a council with one member designated as "president"; but elsewhere the revolutionary committees of safety gave way to a *single "governor" or "president."*

**267.** The governors had less power than the old colonial governors. The people did not yet clearly see the difference between trusting an officer chosen by themselves and one appointed by a distant king. New York and Massachusetts, however (the eleventh and twelfth States to adopt constitutions), had had time to learn the need of a firm executive, and strengthened that branch of government somewhat, though they left it weaker than is customary to-day. *These two States also placed the election of the governor in the hands of the people directly.* That was already the case in



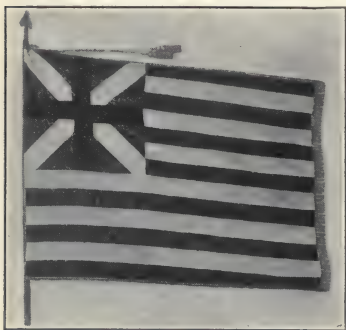
THE "BUNKER HILL" FLAG, used by the Massachusetts Colonials. The ground is blue. One corner is quartered by the red Cross of St. George (the English emblem) with the Massachusetts "Pine." Now in the State House at Boston.

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<sup>1</sup> This was due mainly to the similarity between the preceding colonial governments, but in part to a remarkably active interchange of ideas among the leaders during the spring and summer of '76. Before the Fourth Virginia Convention (§ 261) Patrick Henry corresponded freely with the two Adamses. Members of Congress at Philadelphia constantly discussed forms of government at informal gatherings; and, on several occasions, delegates from distant colonies returned home to take part in constitution-making.

Connecticut and Rhode Island under the colonial charters. Everywhere else the executive was *appointed by the legislature*.

**268.** Everywhere the legislature overshadowed the two other branches of government. *The judiciary*, like the executive, was *usually chosen by the legislature*, and in many cases was remov-



The first "Flag of the United Colonies," hoisted by General Putnam on Prospect Hill, January 1, 1776, and adopted by Washington when he took command of the Continental troops besieging Boston; now in the State House at Boston. This was the first flag to substitute red stripes on a white ground, one stripe for each of the thirteen colonies, for the solid red field of the English flag. In the corner it retains the British "Union" of the crosses of St. George and St. Andrew (England and Scotland) on a blue field.

able by executive and legislature without formal trial. No one yet foresaw, in anything like its modern extent, the later power of the judiciary to declare legislative acts void.

*The old executive check upon the legislature, the absolute veto, nowhere appeared.* Only two States devised the *new qualified veto*, to be overridden by two thirds of each House, which has since become so common. New York gave this veto to governor and judiciary acting together, in a "revisionary council"; Massachusetts gave it to the governor alone.

**269. Religious discrimination was common.** "Freedom of worship" was generally asserted in the bills of rights; but this did not imply our

modern separation of church and state. Office-holding in several States was *restricted to Protestant Christians*, and some States kept a specially favored ("established") church. The Massachusetts bill of rights provided that all citizens should be taxed for church support, but that each man should have the right to say to which church in his town or village his pay-

ment should go. Most places in Massachusetts, however, *had only a Congregational church*, which, therefore, was maintained at public expense. Connecticut had a similar plan.

**270.** Each of the thirteen States excluded a large part of even the free White males from voting. Some gave the franchise only to those who held land, and most of the others demanded the ownership of considerable taxable property of some kind as a qualification. Even the four most democratic States — Pennsylvania, New Hampshire, Georgia, North Carolina — permitted only taxpayers to vote.<sup>1</sup> The country over, probably not one White man in five held even the lowest degree of the suffrage. Democracy was more praised than practiced.

<sup>1</sup> These four States recognized clearly that democracy demands education. They all put into their constitutions a provision for encouraging public education. It should be added that Pennsylvania and Georgia were a trifle more liberal with the franchise than the compact statement in the text would indicate. The first gave the suffrage to the grown-up sons of freeholders, and the second to certain classes of skilled artisans, whether taxpayers or not.



THE "OLD NORTH" CHURCH IN BOSTON.

From a recent photograph. The tablet above the entrance reads:—"The signal lanterns of Paul Revere displayed in the steeple of this church, April 18, 1775, warned the country of the march of the British troops to Lexington and Concord."

**271.** Qualifications were often *graded*. Commonly, a man had to have more property to vote for the upper than for the lower House of the legislature. This was one device to make the senates special protectors of property interests. Commonly, too, there was a still higher qualification for *sitting in the legislature*,—often more for the upper House than for the lower,—and yet more for a governor. In several States, the upper House was chosen by the lower. In Massachusetts, all men who could vote for one House could vote for the other also, but in choosing the senate, the votes were so *apportioned* that a rich man counted for several poor men: the richer any part of the State, the more senatorial districts it had. North Carolina pretty well lost her democracy in these gradations. To vote for a representative, a man had only to be a taxpayer; but to vote for senator, he must own 50 acres of land; to sit as representative, he must have 100 acres; as senator, 300 acres; and as governor, £1000 of real estate.

**272.** Here were four ingenious checks upon a dangerously encroaching democracy: (1) an upper House so chosen as to be a stronghold for the aristocracy<sup>1</sup>; (2) indirect election of the executive and judiciary; (3) property qualifications, sometimes graded, for voting; and (4) higher qualifications for holding office. *All these had been developed in the colonial period. On the whole the new States weakened the checks (and no State increased them); but every State retained some of them.*

**273.** Vermont, it is true, was a real democracy; but she was not one of the thirteen colonies, nor did she become a State of the Union until 1791. Her territory had belonged to New York and New Hampshire; but neither government was satisfactory to the inhabitants, and, during the early Revolutionary disorders, the Green Mountain districts set up a government of their own (adopting, as their hasty statement put it, “the laws of God and Connecticut, *until we have time to frame better*”). This “Vermont” was not “recognized” by Congress or by any State govern-

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<sup>1</sup> In the seventeenth century, aristocracy was so strong that the aristocratic “Council” (whether elected as in Massachusetts, or appointed as in Virginia) dominated a one-House Assembly. *The change to two Houses was set in motion everywhere by the democratic element, as a step toward greater freedom of action (§§ 54, 102).* When we reach the Revolution, democracy has gained in power; and it was the aristocracy which preserved the two-House system, in order that property and station might intrench themselves safely in it.

ment ; but, in 1777, it adopted a constitution with manhood suffrage. This democracy was due to the fact that Vermont, as a whole, was a frontier community, — “ back counties ” of New Hampshire and Connecticut.

**274. Half these first constitutions had no provision for amendment.** In South Carolina the legislature gave ninety days' notice of a proposed change in the constitution (that public opinion might be known), and then acted as in passing any law. In Maryland, an amendment became part of the constitution if passed by two successive legislatures. In Delaware five sevenths of one house and seven ninths of the other were required to carry an amendment. In Pennsylvania, amendments could be proposed only at intervals of seven years, and only in a peculiar fashion. (As a result, in these last two States, amendment was finally accomplished by new conventions, with disregard of the constitutional provisions.) Georgia and Massachusetts provided for the calling of constitutional conventions in a modern fashion.

**EXERCISE.** — Compare the Bill of Rights in your State with the original Virginia Bill of Rights.

## CHAPTER XXIV

### CONGRESS AND THE WAR

**275.** England's task was a difficult one, even if she had had only America to deal with. Great Britain had then eight million people,—or about three times as many as the colonies had. But she had to wage war across three thousand miles of ocean in an age when it took eight or ten weeks to cross and when no ship carried more than four or five hundred people. The Americans, too, inhabited a large and scattered territory, with no vital centers. To conquer it, an invading army must hold much of it at one time. At one time or another, English troops held Boston, New York, Newport, Philadelphia, Savannah—but never more than one or two at once.

**276.** The first great danger to the colonies lay, not in England's strength, but in American disunion. The Revolution was more of a civil war than was even the great "Civil War" of 1861. In 1776 every community was divided, and neighbor warred on neighbor. *In New York, Pennsylvania, and Georgia the Loyalists were a majority, and in the colonies as a whole they made at least every third man.*

**277.** The Tories came mainly (1) from the commercial, capitalistic, and professional classes, always timid regarding change, and (2) from the easy-going, well-contented part of society. On the whole, *they represented respectability and refinement.* Society was moving rapidly: not all could keep the same pace. In July, 1776, the line was drawn. *Men who that month stood where Washington or Jefferson had stood seven or eight months before (§ 258) were Tories.*

**278.** The other great danger to America was the inefficiency of Congress. Even with every third man siding with England, if we had had a central government able to gather and wield our

resources, the British armies could have been driven into the sea in six months.

From their 500,000 able-bodied White males, the Americans should have put in the field an army of 100,000 men. But, if we leave out the militia, which now and again swarmed out for a few days to repel a local raid, the continental forces hardly reached a third that number at any time. *For the greater part of the war, indeed, the American armies numbered only about 10,000 men, and at times they sank to 5000.*

Even these few were ill-paid, ill-fed, and worse clothed. And this, *not so much from the poverty of the country, as from lack of organization.*

As John Fiske well says, in referring to the dreadful sufferings of Washington's army at Valley Forge, which "have called forth the pity and admiration of historians": "The point of the story is lost unless we realize that this misery resulted from gross mismanagement rather than from the poverty of the country. As the soldiers marched on the seventeenth of December to their winter quarters, their route could be traced on the snow by the blood that oozed from bare, frost-bitten feet. Yet, at the same moment, . . . hogsheads of shoes, stockings, and clothing were lying at different places on the route and in the woods, perishing for want of teams."

**279.** Fortunately the English commanders were of second or third rate ability.<sup>1</sup> Among the Americans, the war developed some excellent generals of the second rank, — Greene, Arnold, Marion, — but many officers were incompetent or self-seeking or treacherous. After the first months, **the faithful endurance of the common soldier was splendid.** Said one observer, "Bare-foot, he labors through Mud and Cold with a Song in his Mouth, extolling War and Washington." Yet at times even this soldiery was driven to conspiracy or open mutiny by the jealous unwillingness of Congress to make provision for their needs in the field or for their families at home.<sup>2</sup>

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<sup>1</sup> Lord North is reported to have said of the British generals, — "I don't know whether they frighten the enemy, but I am sure they frighten me."

<sup>2</sup> Said Washington: "In other countries, the prejudice against standing armies exists only in time of peace, and this because the troops are a distinct

**280.** Out of all this murkiness towers one bright and glorious figure. Pleading with Congress for justice to his soldiers, shaming or sternly compelling those justly dissatisfied soldiers to their duty, quietly ignoring repeated slights of Congress to himself, facing outnumbering forces of perfectly equipped veterans when his own army was a mere shell, *Washington*, holding well in hand that fiery temper which still, on occasion, could make him swear "like an angel from heaven," was always great-minded, dignified, indefatigable, steadfastly indomitable; a devoted patriot; a sagacious statesman; a consummate soldier, patient to wait his chance and daring to seize it: the one indispensable man of the Revolution.

**281.** The best excuse for the misrule of Congress was its real weakness and its consequent feeling of irresponsibility. In all internal matters, it was limited to recommendations; and the States grew to regard its requests more and more lightly. It *asked* men to enlist, offering bounties to those who did so; but often it found its offers outbid by the State governments to increase their own troops. It had no power to draft men into the ranks: only the State governments could do that. So, too, in the matter of finances. *Congress could not tax*: it only called on the States for contributions, in a ratio agreed upon. Such contributions, even when reinforced by the loans from France, were not more than half of the amount necessary to carry on the war.

**282.** At the very beginning, Congress was forced to issue paper money. Each scrap of such money was merely an indefinite promissory note from Congress to "bearer." In five years, printing presses supplied Congress with \$ 241,000,000 of such "*continental currency*"<sup>1</sup>; and, with this, perhaps \$ 50,000,000 worth of services and supplies were bought.<sup>2</sup> *Congress itself*

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body from the citizens . . . It is our policy to be prejudiced against them in time of war, though they are citizens."

<sup>1</sup> So called to distinguish this currency put forth by the central government from similar issues by the States. The State currency amounted to \$ 200,000,000 more; but most of it had more value than the continental paper.

<sup>2</sup> After depreciation began, even with a new issue Congress could not get nearly a dollar's worth of supplies for a paper dollar.

had no power to compel people to take this currency; but, at the request of Congress, the States made it "legal tender." The people, however, had little confidence in the promise to repay. In 1776 (when only twenty millions had been issued), depreciation set in. In 1778, a dollar would buy only twelve cents' worth of goods. In 1781, Thomas Paine paid \$300 for a pair of woolen stockings, and Jefferson records a fee of \$3000 to a physician for two visits. "Not worth a continental" became a byword. Before the close of 1781, this currency ceased to circulate except as speculators bought it up, at perhaps a thousand dollars for one in coin. A mob used it to "tar and feather" a dog; and McLaughlin tells of an enterprising barber who papered his shop with continental notes.

All this meant a reign of terror in business. Men who, in 1775, had loaned a neighbor \$1000 in good money were compelled, three or four years later, to take in payment a pile of paper almost without value, but named \$1000. Prices varied fantastically from one day to another, and in neighboring localities on the same day. *Wages and salaries rose more slowly than prices* (as is always the case), and large classes of the people suffered exceedingly in consequence.

But it must be remembered that this "cheap money" was the only money Congress could get. If a "note" had ever been repaid, it would have been in reality a "forced loan."



A CONTINENTAL BILL printed by Hall and Sellars, Philadelphia, in 1776. The original is in the Massachusetts Historical Society collection.

Since it never was repaid, it amounted to a *tax*, or a *confiscation* of private property for public uses, — the tax being paid, not by one man, but by all the people through whose hands it passed.<sup>1</sup> Such taxation was horribly wasteful and demoralizing; but it was the *only kind of tax* to which the people would have submitted in the amount required. Without the paper money, the Revolution could not have been won.



OLD SCHOOLHOUSE AT VALLEY FORGE. Used by Washington's troops as a hospital. Built in 1705 by Letitia Aubrey, second daughter of William Penn.

**283.** The critical years of the war were '77 and '78. In 1777, Howe invaded Pennsylvania. Washington maneuvered his inferior forces admirably. He retreated when he had to; was robbed of a splendidly deserved, decisive victory at German-

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<sup>1</sup> *A* sold a horse to the government for one hundred dollars in paper currency; when he passed the paper on to *B*, he received perhaps only ninety dollars in value for it. Ten dollars had been taken from him by tax, or confiscation. *B* perhaps got only seventy dollars' worth for the money; so he had been "taxed" twenty dollars. The government had secured the horse for a piece of paper, and eventually the horse was paid for by the various people in whose hands the paper depreciated.

town only by a mixture of chance and a lack of veteran discipline in his soldiers; and, after spinning out the campaign for months, went into winter quarters at *Valley Forge* — then to grow famous for heroic suffering. Howe had won the empty glory of capturing “the Rebel Capital,” — where he now settled down to a winter of feasting and dancing; but *Washington had decoyed him from his chance to make safe Burgoyne’s invasion from Canada, and so crush the American cause*. Lacking the expected coöperation from the south, Burgoyne proved unable to secure the line of the Hudson, and was forced to surrender to the incompetent Gates.

This capture of an entire English army *turned the wavering policy of France into firm alliance with America* against her ancient rival. From the first, the French government had furnished the Americans with money and supplies, secretly and indirectly; and many adventurous young noblemen like Lafayette, imbued with the new liberal philosophy of Rousseau, had volunteered for service under Washington. Franklin had been acting as the American agent in Paris for some months without formal recognition. Now he quickly secured a **treaty of alliance** that recognized the independence of the United States. The possessions of the two allies in America were mutually guaranteed; and it was agreed that peace with England should be made only after consultation and approval by both allies.<sup>1</sup>

France drew Spain in her train; and, soon after, England quarreled with Holland. Without an ally, England found herself facing not merely her own colonies, but the three greatest naval powers of the world (next to herself), while most of the rest of Europe, under the lead of Russia, held

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<sup>1</sup> Large sections of the French people felt a genuine enthusiasm for America, but to the despotic French government the alliance was purely a “League of Hatred.” Especially did the French government fear that if England and her colonies again united, they would do away with all occasion for the troublesome “Sugar Act” by seizing the French West Indies. Spain and Holland were never *our* allies: they were the allies of France. The treaty with France is the *only alliance* America has ever formed.

toward her an attitude of "armed neutrality" — which meant instant readiness for hostility at the slightest opening.

In America, however, the darkest months of the war were those between the victory over Burgoyne and the news of the French alliance. The first flush of enthusiasm was spent. The infamous Conway Cabal (among officers and Congressmen) threatened to deprive the country of Washington's services. *Nearly a fifth of the starving army deserted to the well-fed enemy in Philadelphia, and another fifth could not leave their winter huts for want of clothing.* Washington himself, as his private letters show, was so depressed by "the spirit of disaffection" in the country that he felt "the game is pretty near up." The paper money, issued by Congress in constantly increasing volume — the chief means of paying the soldiers and securing supplies — was nearly valueless. Foreign trade was impossible because England commanded the sea; and domestic industry of all sorts was at a standstill because of the demoralization of the currency. To large numbers of patriots, even the news of the new ally was of doubtful cheer. *Many began to fear that they had only exchanged the petty annoyances of English rule for the slavery of French despotism and of the Spanish Inquisition (Source Book, No. 144).*

Two results of the French treaty followed close upon its announcement. (1) The English general was ordered to evacuate Philadelphia and concentrate forces at New York. The watchful Washington was close upon the rear of the retreating army, but at Monmouth his strategy and dash were again robbed of the fruit of victory, — this time by the misconduct or treason of General Charles Lee. (2) Lord North sent commissioners to America with an "olive branch" proposition: all the contentions of the Americans, previous to July 4, 1776, would be granted, together with a universal amnesty, if they would return to their allegiance. By a unanimous vote, Congress refused to consider propositions "so derogatory to the honor of an independent nation."

**284.** In the northern States no British army of consequence

again appeared in the field; and Washington's forces there were small. Except for minor operations, **the war was transferred to the South**, with swift alternations of success and failure through 1779 and 1780. In both North and South, after the summer of '78, the struggle took on a new character. It became a "**war of desolation**," — a succession of sudden raids to harry and distress a countryside or to burn a town or port,<sup>1</sup> varied by occasional bloody and vindictive combats like those at *Cowpens* and *King's Mountain*.

The Loyalists who had been driven from their homes in Boston and Philadelphia with the retirement of the British forces, together with those living near the British stronghold of New York, enrolled themselves in large numbers under the English flag. New York State alone furnished 15,000 recruits to the English army, besides 8000 more Loyalist militia. It has been said that at important periods, more Americans were under arms against independence than for it. Because of their knowledge of the country, these Tory troops were used freely in harrying expeditions. In consequence, the attitude of the Whig governments, State and local, toward even the *passive* sympathizers with England, became ferocious. Those unhappy men who had long since been deprived of their votes were now excluded from professions and many other employments, forbidden to move from place to place, ruined by manifold fines, drafted into the army, imprisoned on suspicion, sometimes deported with their families in herds to distant provinces, and

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<sup>1</sup> A terrible feature of some of these raids was the use of Indian allies by the English. But it must be remembered that the Americans had first tried to secure such allies. Both Washington and John Adams had favored their enlistment. Montgomery had some Indians in the army with which he invaded Canada, and there were a few in the American army besieging Boston in 1775. It had been intended to use the friendship of the natives for the French in order to draw them into a force under Lafayette. The simple fact is that Indians had been used by both sides in America in all the intercolonial wars, and both parties in this new contest continued their use so far as possible; but the natives saw truly that the real enemy of their race was the American settler, and therefore turned against him. Cf. Parkman's *Montcalm and Wolfe*, II, 421, and Roosevelt's *Winning of the West*, II, 87.

constantly exposed to the most horrible forms of mob violence. If they succeeded in escaping to the British lines, their property was confiscated (oftentimes to enrich grafting speculators at corruptly managed sales), and they themselves, by hundreds at a time, were condemned



COLONEL BAUASTRE TARLETON, the commander of "Tarleton's Legion," the most famous of all the Loyalist regiments. A painting by Reynolds.

to death in case of return or recapture, — not by judicial trials, but, without a hearing, by bills of attainder.<sup>1</sup>

**285. Seemingly, the war had settled down to a test of endurance.** Campaigns in Europe and the West Indies drained England's resources, glorious though the results were to her arms against those tre-

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<sup>1</sup> In 1778 Massachusetts, by one Act, banished 310 "peaceful" Tories. More than sixty of these were Harvard graduates and the list held the names of the most famous families connected with New England's history.

A "*bill of attainder*" is a legislative act imposing penalties upon one or more individuals. The legislature condemns, not the courts; and of course the accused lose all the ordinary

securities against injustice. Such bills had been used occasionally in English history. By our constitution of 1787, *bills of attainder are wholly forbidden*. Until the adoption of that instrument, however, many States did pass such bills against prominent Tories, — sometimes against great numbers of them at once. An attempt was made in the Virginia bill of rights to prohibit such bills; but Patrick Henry urged that they might be indispensable in that time of war. Some States incorporated the prohibition in their first bill of rights.

mendous odds.<sup>1</sup> Meantime, in America, Congress kept its sinking finances afloat by generous gifts and huge loans from France. The army, however, was dangerously discontented. Desertions to the enemy rose to a hundred or two hundred a month.

Suddenly an unexpected chance offered. Washington, ever ready, grasped at it, and this time no evil fate intervened. With the indispensable coöperation of the French army and fleet, Cornwallis and his army were cooped up in Yorktown. With



SURRENDER OF CORNWALLIS AT YORKTOWN. From the painting by Trumbull in the Capitol at Washington.

his surrender (October 19, 1781) war virtually closed, though peace was not signed, nor British troops withdrawn from the American coast, for many months.

**286.** While peace negotiations dragged along in Europe, came one more famous episode in America. This was Washington's "Newburg Address." The pay of the army was years behind, and Congress showed no wish to settle the matter. Taking advantage of the soldiers' bitter discontent, a group of officers in the camp at Newburg formed a plan to get better

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<sup>1</sup> Cf. *Modern World*, § 498.

government by making Washington king. This proposition Washington at once repulsed, with grieved anger; but still an anonymous committee called a meeting of officers to find some way of forcing Congress to act while the army still had arms in their hands. A conflict that would have sullied the beginning of the new nation's career was averted only by the tact and unrivaled influence of Washington. He anticipated the meeting of the officers by calling an earlier one himself, at which he prevailed upon their patriotism to abandon all forms of armed compulsion; and then he finally prevailed upon Congress to pay a five years' salary in government *certificates*, worth perhaps twenty cents on the dollar, — a meager return, but perhaps all that the demoralized government at that date was equal to.

**287. The negotiations for peace** were carried on from Paris, with Franklin, John Jay, and John Adams to represent the United States. In spite of King George, the fall of Yorktown overthrew Lord North's ministry; and the new English government contained statesmen friendly to America, such as Fox, Rockingham, and Shelburne (§ 230). This fact and the remarkable ability of the American negotiators resulted in a treaty marvelously advantageous. England could not well avoid conceding American independence, but Shelburne meant to do it in generous fashion. He intended not merely peace, he said, but "reconciliation with America, on the noblest terms and by the noblest means."

**288. The important question concerned territory.** Just before the war (1769), a few Virginians had crossed the western mountains to settle in fertile lands between the Ohio and Cumberland rivers, in what we now call Kentucky and Tennessee; and, during the war itself, many thousands had established homes in that region. From the Kentucky settlements, *George Rogers Clark*, a Virginia officer, in incredibly daring campaigns (1778–1779), had captured from England the old French posts Kaskaskia and Cahokia, on the Mississippi, and Vincennes on the Wabash. This district, though it contained





still only French settlers, had been organized, like Kentucky, as a Virginia county.

*The Americans, therefore, had ground for claiming territory to the Mississippi,<sup>1</sup> and such extension of territory was essential to our future development.* England, however, at first expected us to surrender this thinly settled western region in return for the evacuation of New York, Charleston, and other cities still held by her armies. Moreover, France and Spain secretly intended that the treaty should shut up our new nation between the Atlantic and the Appalachians, leaving the northwest territory<sup>2</sup> to England, and the southwest to Spain and the Indians.

**289.** By the treaty of 1778, we were bound to make no peace *without the consent of France*, and our commissioners had been strictly instructed by Congress *to act only with the advice of Vergennes*, the French minister. But **Jay and Adams** suspected Vergennes of bad faith, and finally **persuaded Franklin to disregard the instructions.**<sup>3</sup> With patriotic daring, the American commissioners entered into *secret* negotiations with England, and secured terms which Vergennes could not well refuse to approve when the draft of the treaty was placed before him.

**290.** By this *Treaty of 1783*, **England acknowledged the independence of the United States**, *with territory reaching to the Mississippi, and from the Great Lakes to Florida*, surrendering,

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<sup>1</sup> In 1777, Clark received a letter of encouragement from Jefferson, who, even so early, felt keenly the importance of the West. "Much solicitude," he wrote, "will be felt for the outcome of your expedition . . . If successful, it will have an important bearing in ultimately establishing our northwestern boundary."

<sup>2</sup> Which had been legally a part of Canada, § 248, note.

<sup>3</sup> France had no desire to injure America, but she had no objection to leaving it helpless and dependent upon her favor; and she did wish to satisfy her ally Spain, whom she had dragged into the war. The story goes that, while Franklin and Jay were discussing the situation, Franklin asked in surprise, "What! would you break your instructions?" "As I break this pipe," said Jay, throwing his pipe into the fireplace. Franklin had rendered incalculable diplomatic service to his country, but his long and intimate relations with the French government had unfitted him for an independent course in this crisis.

without consideration, not only the seacoast cities she held, but also the Northwest posts, which had never been seen by an American army. She also granted to the Americans the right to share in the Newfoundland fisheries, from which other foreign nations were shut out. In return, the American Congress *recommended* to the various States a reasonable treatment of the Loyalists,<sup>1</sup> and *promised* solemnly (a matter which should have gone without saying) that no State should interpose to prevent Englishmen from recovering in American courts the debts due from Americans before the war. No



**CROSSED SWORDS** of Colonel William Prescott and Captain John Linzee, who fought on opposite sides at Bunker Hill. A grandson of Prescott and a granddaughter of Linzee married, and the offspring of this marriage mounted the swords in this way "in token of international friendship and family alliance." From a photograph of the mounted swords, which are now in the rooms of the Massachusetts Historical Society.

wonder that the chagrined Vergennes wrote: "The English buy the peace, rather than make it. . . . Their concessions regarding boundaries, fisheries, and the Loyalists exceed anything I had thought possible."

The territorial advantages, however, were not fully enjoyed by the United States for some twelve years. When the English forces evacuated the American seaports, they carried away a few hundred Negroes, who, they claimed, had become free by aiding them during the war, and whom they would not now surrender to their old masters. The American State governments made this a pretext for deliberately breaking one of the most reasonable articles of the treaty, — that regarding British debts.

<sup>1</sup> The American negotiators told the English commissioners frankly that the "recommendation" regarding the Loyalists would carry no weight. England herself afterwards appropriated large sums of money to compensate partially that unfortunate class of exiles.





Despite the pledged faith of the central government, State after State passed laws to prevent the collection of such debts in their courts. Meantime, the Americans had not at first been ready to take over the posts on the Great Lakes; and when they desired to do so, England refused to surrender them, because of these infractions of the treaty.

**291.** The period of the Revolution covers twenty years. The first twelve were spent in wrangling; the next eight, in war (1763-1775, 1775-1783). That war created the first American state. It helped to make the colonial policy of all European countries less selfish and more enlightened. It "laid the foundation for the French Revolution" (*Modern World*, § 536), and so helped modify profoundly the internal character of Europe. Whatever their blunders, the Americans had "warred victoriously for the right in a struggle whose outcome vitally affected the whole human race."

Says an English historian, — "The American Revolution split the English-speaking race — and doubled its influence." Not least among its results, the Revolution helped to start England herself upon her splendid march to democracy. Now, after a century and a half, the two great divisions of the English-speaking race are coming together once more in sympathetic friendship, again to "double their influence."

FOR FURTHER READING on the Treaty, see opening chapters of Fiske's *Critical Period* or of McLaughlin's *Confederation and Constitution*. For other matters, see close of chapter xxi.

## PART IV

### THE MAKING OF THE SECOND WEST

*The West is the most American part of America. . . . What Europe is to Asia, what England is to the rest of Europe, what America is to England,—that the western States and Territories are to the eastern States.* —JAMES BRYCE.

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## CHAPTER XXV

### BIRTH IN THE REVOLUTION

**292.** THE land between the Appalachians and the Mississippi passed from France to England in 1763 (§ 181). Some six thousand French settlers remained in the district, in three nearly equal groups: (1) about Detroit; (2) near Vincennes; (3) at the "Mississippi towns," Kaskaskia and Cahokia (map after page 242). *For several years more these were the only White settlers*; and in 1774 parliament annexed the territory, as far south as the Ohio, to the old French province of Quebec (§ 248, note).

The whole district had been included in old grants to the seaboard colonies; but as soon as England got control, a **Royal Proclamation forbade English-speaking colonists to settle west of the mountains, and instructed colonial governors to make no land-grants there.** The government dreaded Indian wars—sure to follow the advance of the frontiersman—and it was influenced by commercial companies that wished to keep the vast Mississippi Valley as a fur-trade preserve.

**293.** Even had England remained in control, the attempt to shut out English-speaking settlers was doomed to certain failure.

How the Scotch-Irish and Germans made a first "West" in the long valleys of the Appalachians soon after 1700 has been told (§ 180). A half century or so later their Americanized sons and grandsons were ready to make a greater and truer West in the eastern half of the valley of the Mississippi. Those restless border farmers had begun to feel crowded in their narrow homes. For some years, stray hunters,<sup>1</sup> who had ventured as far west as the great river, stirred the Appalachian frontier with romantic stories of the wonders and riches of the vast central basin, and just before the Revolution a few hardy families pushed the line of American settlement across the mountains.

294. This movement into the second "West" grew all through the Revolution. It is natural for us to think of the years 1775-1783 as given wholly to patriotic war for *political* independence. But during just those years thousands of earnest Americans turned away from that contest to win *industrial* independence for themselves and their children beyond the mountains. While the old Atlantic sections were fighting England, a new section sprang into being, fighting Indians and the wilderness.

Until the Peace of 1783, settlement penetrated only into the "dark and bloody ground" between the Ohio and its southern branches. This district had long been a famous hunting ground, where Indians of the north and of the south slew the bison and one another. Frequent war parties flitted along its trails, but *no tribe claimed it for actual occupation*. So here lay the "line of least resistance" to the on-pushing wave of settlement.

The next chapter will give the story of this *Southwest* down to 1789. American settlement did not begin in the land north of the Ohio until *after* the Revolution. The story of the Northwest will be given in the second chapter following.

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<sup>1</sup> All boys will delight in Roosevelt's story of "Boone and the Long Hunters" in No-man's Land (*Winning of the West*, I, ch. vi).

## CHAPTER XXVI

### THE SOUTHWEST: SELF-DEVELOPED

295. In 1769, a few Virginia frontiersmen moved their families into the valley of the *Watauga*, one of the headwaters of the Tennessee. They thought themselves still in Virginia, and in the spring of 1771 they were joined by fugitive Regulators



WESTERN SETTLEMENT, 1769-1784.

from North Carolina (§ 231). The same summer, however, a surveyor "ran out" the southern boundary of Virginia and found that Watauga lay in territory claimed by North Carolina. That colony was in no condition to care for so distant and inaccessible a section,<sup>1</sup> nor would the Watauga settlers submit

<sup>1</sup> Communication with Virginia, though difficult enough, was possible, because the long valleys trending to the northeast ran near together as they

to more Carolina injustice. Instead they set up for themselves. In 1772 they adopted a written constitution and became an independent, self-governing community.

296. Two leaders stand forth in this westward movement into Tennessee, — *James Robertson* and *John Sevier*. Robertson was a mighty hunter who had spied out the land to find a better home for his family. A backwoodsman born, he had learned "letters and to spell" after marriage, from his wife; but he was a natural leader, with splendid qualities of heart and head. Sevier was a "gentleman" of old Huguenot family and of some culture. He was the most dashing figure of the early frontier, — a daring Indian fighter and an idolized statesman among his rough companions.

297. The essential thing about Watauga, however, was not its leaders, but the individuality and democracy of the whole population. Immigrants came in little groups of families, those from Carolina by a long detour through Virginia. No wagon roads pointed west; and it was a generation more before the white, canvas-covered wagon (afterward familiar as the "prairie schooner") became the token of the immigrant. At best, the early Southwest had only dim and rugged trails through the forests ("traces" blazed by the hatchet on trees). Along such trails, men, rifle always in hand, led pack horses loaded with young children and a few necessary supplies; while the women and older children drove the few lean cattle.

By 1772 the settlers were grouped about thirteen "stations." A "station" was a stockaded fort of considerable size. One side was formed usually by a close row of log huts, facing in. The remaining sides, with a log "blockhouse" at each corner, were a close fence of hewn "pickets," considerably higher than a man's head, driven firmly into the ground and bound

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entered that State. But a hundred miles of forest-clad mountains, without a trail fit even for a pack horse, divided Watauga from the nearest settlements in North Carolina. Watauga itself lay with mountains to the west, as well as to the east; but its water communication with the Mississippi justifies us in regarding it as part of the land "west of the mountains."

together. Within were supply sheds for a short siege, and sometimes a central and larger blockhouse,—a sort of inner “keep.” Stockade and blockhouses were loopholed at convenient intervals for rifles, and, except for surprise or fire,



such a fort was impregnable against any attack without cannon.

The fort, however, was only for times of extraordinary danger. Ordinarily, the families lived apart, each in its log cabin upon its own farm. The holdings were usually of from four hundred to a thousand acres; but for many years they remained forest-covered, except for a small stump-dotted

BOONSBORO (see § 301) IN WINTER. From a print, based upon contemporary accounts. The structure was 250 feet long and 125 feet wide, with heavy gates at the middle of the long sides.

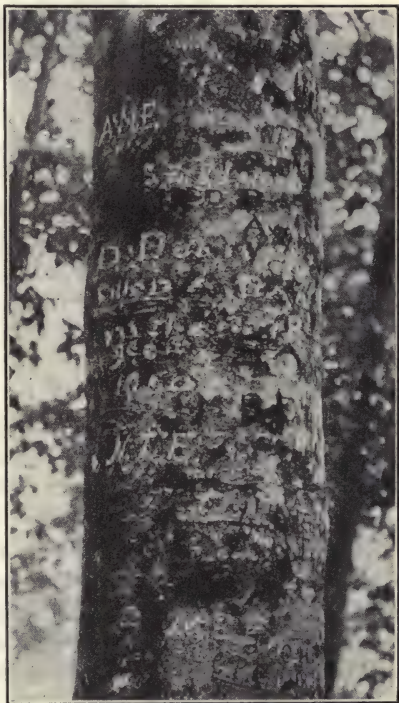
“clearing,” about each cabin. The clearings nearest one another were often separated by miles of dense primitive forest. At an alarm of Indians, all families of a “station” abandoned these scattered homes and sought refuge within the stockade. In more peaceful times, “neighbors,” from many miles around, gathered to a “house-raising” for a newcomer or for some one whose old home had been destroyed by fire. The two qualities that especially characterized this new West, says Theodore Roosevelt, were “*capacity for self-help and capacity for combination.*”

**298.** In the spring of 1772 the men of the thirteen forts gathered at Robertson’s station in mass meeting, to organize a government. This meeting adopted *Articles of Association*,—“a written constitution, the first ever adopted west of the mountains, or by a community of American-born freemen.”<sup>1</sup> Manhood

<sup>1</sup> The Fundamental Orders of Connecticut (§ 126) had been formed, of course, by *English-nurtured* men.

suffrage and absolute religious freedom were main features.<sup>1</sup> A representative convention of thirteen, one from each station, chose a "court" of five members who formed the government. This body of commissioners held regular meetings and managed affairs with little regard for legal technicalities, but with sound sense. For six years Watauga was an independent political community. Then, in 1778, when the Revolution had reformed North Carolina, Watauga recognized the authority of that State and became Washington County.

**299. The second group of Western settlements**—almost as early as Watauga—**was made in Kentucky.** Among the many daring hunters and Indian fighters, who, preceding settlement, had ventured from time to time into the bloody Indian hunting grounds south of the Ohio, **Daniel Boone was the most famous.** As early as 1760, Boone hunted west



A "BOONE TREE," on Boone's Creek, Tennessee. The inscription reads: D. Boon cilled a bar on this tree year 1760.

of the mountains; and in 1769 (the year Watauga was founded) he went on a "long hunt" there with six companions. After five weeks' progress through the forest stretching continuously

<sup>1</sup> The student must remember how far short of such democracy fell the Revolutionary constitutions of the Eastern States four or five years later.

from the Atlantic, this little party broke through its western fringe and stood upon the verge of the vast prairies of America. They had come to the now famous "blue-grass" district of Kentucky.

Hitherto (except for petty Indian clearings) American colonists had had to win homes slowly with the ax from the stubborn forest. Now before the eyes of these explorers there spread away a lovely land, where stately groves and running waters intermingled with rich open prairies and grassy meadows,<sup>1</sup> inviting the husbandman to easy possession and teeming with game for the hunter, — herds of bison, elk, and deer, as well as bear and wolves and wild turkey, in abundance unguessed before by English-speaking men.

In the following months, hard on the trail of the hunters, followed various small expeditions of backwoods surveyors and would-be settlers, in spite of frequent death by the scalping knife and at the stake.<sup>2</sup> In particular, Boone returned again and again, and, in 1773, he sold his Carolina home, to settle in the new land of promise. His expedition was repulsed, however, by a savage Indian attack, and the next year the opening of a great Indian War along the Virginian and Pennsylvanian border drove every settler out of Kentucky.

**300. This was "Lord Dunmore's War."** Without provocation, a dastard White trader had murdered the helpless family of Logan, a friendly Iroquois chieftain. In horrible retaliation a mighty Indian confederacy was soon busied with torch and tomahawk on the western frontiers. Pennsylvania suffered most, and the dilatory government there did little to protect its citizens. Virginia, however, acted promptly. To crush the confederacy she sent an army far beyond her line of settle-

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<sup>1</sup> The prairies proper, even when reached, did not at first attract settlers. The lack of fuel and often of water more than made up for difficulty of clearing forest land. But Kentucky offered a happy mixture.

<sup>2</sup> Very soon, indeed, the colonist learned that the Woods Indian of the West — armed now almost as well as the Whites — was a far more formidable foe than the weak tribes of the coast had been.

ment, into the distant Northwest, — where she claimed jurisdiction (§ 44), though parliament had just annexed the territory to Quebec. This Virginian force was composed chiefly of hardy frontier riflemen, with deerskin hunting shirts for uniform, but, by a curious contrast, it was led by an English earl, the royal governor, Lord Dunmore.

The rear division of the army, when about to cross the Ohio at the mouth of the Kanawha, was surprised, through the splendid generalship of the Indian leader Cornstalk, by the whole force of the natives; but, after a stubborn pitched battle, the frontiersmen won a decisive victory. This *Battle of the Great Kanawha* is as important as any conflict ever waged between Whites and Redmen. Says Theodore Roosevelt: "It so cowed the northern Indians that for two or three years they made no *organized* attempt to check the White advance. . . . [It] gave opportunity for Boone to settle in Kentucky and, therefore, for Robertson to settle Middle Tennessee, and for Clark to conquer Illinois and the Northwest. *It was the first link in the chain of causes that gave us for our western boundary in 1783 the Mississippi, and not the Alleghenies*" (§ 288).

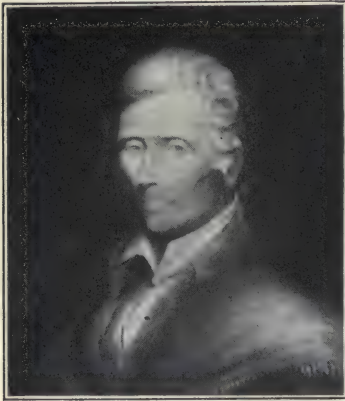
**301. Permanent settlement in central Kentucky** began the next spring (1775). For a few months it had the form of a proprietary colony. A certain Henderson, a citizen of North Carolina, bought from the southern Indians their rights to a great tract in central Kentucky and Tennessee. He named the proposed colony *Transylvania*, and secured Boone as his agent. In March and April, Boone and a strong company marked out the *Wilderness Road*<sup>1</sup> and began to build "Boone's Fort." Henderson soon arrived with a considerable colony.

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<sup>1</sup> This famous Wilderness Road was for many years merely a narrow bridle path, through the more passable parts of the forest and across the easiest fords, leading two hundred miles from the Holston River (near Watauga) into central Kentucky. In the worst places, the thick underbrush was cut out; but much of the time *only the direction* was blazed on trees. It long remained the chief road from the West to the Atlantic regions. Immigrants soon began, it is true, to float down the Ohio; but that route was more exposed to Indian attack, and *return* up the river in that day was impossible.

But the Revolution ruined all prospect of English sanction for his proprietary claims, and Virginia firmly asserted her title to the territory. Henderson soon passed from the scene; and, in 1777, **Kentucky**, with its present bounds, **was organized as a county of Virginia.**

**Kentucky** already contained several hundred fighting men, and now it became the base from which **George Rogers Clark** conquered the Northwest (§ 288). Before the close of the Revolu-



**DANIEL BOONE** at 85 (in 1819), when he had moved on into frontier Missouri. From a portrait by Chester Harding, now in the Filson Club, Louisville, Ky.

tion, Kentucky's population exceeded 25,000; and when peace made Indian hostility less likely, a still larger immigration began to crowd the Wilderness Road and the Ohio.

**302. Meanwhile Watauga** had become the mother of a still more western colony. Population had increased rapidly, and some of the earlier "forts" had grown into straggling villages. At the end of ten years, it was no longer a place for the real frontiersmen; and, *in 1779*, Robertson, with some of his more restless neighbors, migrated once more to a new

wilderness home in west-central Tennessee, on the bend of the Cumberland.

These "**Cumberland settlements**" were the third group of English-speaking colonists in the Southwest. Population thronged into the fertile district, with the usual proportion of undesirable frontier characters; and the settlers found it needful at once to provide a government. May 1, 1780, a convention of representatives at Nashboro adopted a "constitution," — which, however, was styled by the makers merely "*a temporary method of restraining the licentious.*"

A few days later, this "social compact" was signed by every adult male settler, 256 in number. It provided for a court of twelve "judges," chosen by *manhood suffrage* in the several stations. If dissatisfied with its representative, a station might *at any time* hold a new election (the modern "recall"). Like the early Watauga "commissioners," the "judges" exercised all powers of government. The constitution, however, expressly recognized the right of North Carolina to rule the district when she should be ready; and in 1783 that State organized the Cumberland settlements into Davidson County.

**303.** A year later (1784) North Carolina ceded her western lands to the Continental Congress. The Westerners complained loudly that the mother-State had cast them off, and that the dilatory Congress was not ready to accept them. The three counties of eastern Tennessee (about Watauga) now numbered 10,000 people. **August 23, 1784, a representative convention of forty delegates declared this district an independent State with the name *Frankland* ("Land of the Free").**

A later convention adopted a constitution, and a full state government was set up, with Sevier as governor.<sup>1</sup> But North Carolina "repealed" her cession (Congress not having acted); and after some years of struggle that rose even into war, she succeeded in restoring her authority.

**304.** For some years, only feeble ties held the Western settlements to the Atlantic States. The men of the West made continuous efforts for Statehood; but these efforts were opposed not only by Virginia and North Carolina, but also by Congress. Then, at one time or another, in each of the three groups of settlements, these legitimate attempts merged obscurely in less justifiable plots for complete separation from the Eastern confederacy. For even this extreme phase of the movement,

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<sup>1</sup> The first legislature of Frankland had to fix a currency "in kind": a pound of sugar was to pass as one shilling; a fox or raccoon skin for two shillings; a gallon of peach brandy for three shillings, and so on. Easterners laughed contemptuously at this "money which cannot be counterfeited," forgetting how their fathers had used like currency (§ 208).

there was great provocation in the gross neglect shown by the East toward pressing needs in the West.

The older States had just rebelled against the colonial policy of Great Britain; but they showed a strong inclination to retain a selfish policy toward their own "colonies" in the West. Even in the matter of protection against Indians, they hampered the frontier without giving aid. The Westerners made many petitions (1) to control directly their own militia; (2) to be divided into smaller counties — with courts more accessible; and (3) to have a "court of appeal" established on their side of the mountains. Many a poor man found legal redress for wrong impossible because a richer opponent could appeal to a seaboard supreme court. These reasonable requests were refused contemptuously by North Carolina, and granted only grudgingly by Virginia. More distant Eastern communities, too, notably New England, manifested a harsh jealousy of the West (§ 349).

**305. In particular the East long neglected to secure for the new West the right to use the lower Mississippi.** For nearly all its course, one bank of the Mississippi was American; but, by the treaties of 1783, toward the mouth both banks were Spain's. According to the policy of past ages, Spain could close against us this outlet for our commerce. But the surplus farm produce of the West could not be carried to the East over bridle paths. Without some route to the outside world, it was valueless; and the only possible route in that day was the huge arterial system of natural waterways to the Gulf.

So, from the first, the backwoodsmen floated their grain and stock in flatboats down the smaller streams to the Ohio, and so on down the great central river to New Orleans. They encountered shifting shoals, hidden snags, treacherous currents, savage ambushes, and the hardships and dangers of wearisome return on foot through the Indian-haunted forests. These natural perils the frontiersman accepted light-heartedly; but he was moved to bitter wrath, when — his journey accomplished — fatal harm befell him at his port. He had to have

“right of deposit” at New Orleans, in order to reship to ocean vessels. Spanish governors granted or withheld that privilege at pleasure — until 1795, when a treaty secured it, nominally, for a brief and uncertain period (§ 407). Even



A MISSISSIPPI AND OHIO RIVER FLATBOAT.

then, ruinous bribes were still necessary to prevent confiscation by Spanish officials on some pretense.

Our government showed little eagerness in this life-or-death matter; but the West seethed with furious demands for possession of the mouth of the Mississippi. How to get it mattered little. The Westerners would help Congress win it from Spain; or they were ready to try to win it by themselves, setting up, if need be, as a separate nation; or some of them were ready even to buy the essential privilege by putting their settlements under the Spanish flag.

**306.** The last measure was never discussed publicly; but Sevier, Robertson, and Clark were all at some time concerned

*secretly* in such dubious negotiations with Spanish agents. American nationality was just in the making. It was natural for even good men to look almost exclusively to the welfare of their own section, and the action of these great leaders does not expose them to charges of lack of patriotism in any shameful sense,<sup>1</sup>—as would be the case in a later day. Still we should see that they struggled in this matter on the wrong



AN OLD OHIO MILL, built soon after 1790. Note the log house in the background, and the stumps unremoved.

side. It was well that, about 1790, they were pushed aside by a new generation of immigrants, who were able to “think continentally.” Virginia and North Carolina, too, were finally persuaded to give up their claims. In 1792, Kentucky became a State of the Union, and, four years later, Tennessee was admitted. The remaining lands south of the Ohio that had been ceded by that time to the United States (§ 311), were then organized as the *Mississippi Territory*.

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<sup>1</sup> Cf. Roosevelt’s *Winning of the West*, III. These men must not be confounded with a fellow like General Wilkinson, who, *while an American officer*, took a pension from Spain for assisting her interests in the West.

## CHAPTER XXVII

### THE NORTHWEST: A NATIONAL DOMAIN

**307.** The Southwest, we have seen, was a *self-developed* section. Except for Henderson's futile project, there was no paternalism. No statesman planned its settlements; no general directed the conquest of territory; no older government, State or Federal, fostered development. The land was won from savage man and savage nature by little bands of self-associated backwoodsmen, piece by piece, from the Watauga to the Rio Grande, in countless bloody but isolated skirmishes, generation after generation. *Settlement preceded governmental organization.*

In the Northwest, *government preceded settlement.* The first colonists found (1) territorial divisions marked off, and the form of government largely determined; (2) land surveys ready for the farmer; and (3) some military protection. All this was arranged in advance by the national government. This *child of the nation*, therefore, never showed the tendencies to separatism which we have noted in the Southwest.

#### I. OWNERSHIP BY THE NATION

**308.** Six States could make no claim to any part of the West,—Maryland, Pennsylvania, Delaware, New Jersey, New Hampshire, and Rhode Island; and the title of South Carolina applied only to a strip of land some twenty miles wide. But, as soon as the Revolution began, the other six States reasserted loudly old colonial claims to all the vast region between the mountains and the Mississippi.<sup>1</sup> They planned to use these lands, too, in paying their soldiers and other war expenses, while the small States taxed themselves in hard cash for the war which was to win the territory from England.

Kentucky and Tennessee, it has been noted, were claimed by Virginia and North Carolina, and Georgia long insisted upon a flimsy title to a wide reach of land extending to the Mississippi. So far, there were at

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<sup>1</sup> The map facing page 259 should be studied as part of the text, for this topic. Cf. also *Source Book*, No. 146.

least no *conflicts* of title between the States. But north of the Ohio, there were many conflicting claims. Virginia claimed *all* the Northwest, under her old charter (§ 32), and she had done much to give real life to this weak title by taking steps toward actual possession — in Dunmore's War and in Clark's conquest of Illinois, and, from 1779 to 1784, by governing the district from Vincennes to Kaskaskia as the County of Illinois. New York also claimed all the Northwest, but by the slightest of all titles.<sup>1</sup> The *middle third* of the Northwest was claimed also by both Massachusetts and Connecticut on the basis of their ancient charters.

**309.** While opposing these "large State" claims, Maryland invented a new and glorious colonial policy for America, and, standing alone through a stubborn four-year struggle, she forced the Union to adopt it. As early as November, 1776, a Maryland Convention set forth this resolution: —

"That the back lands, claimed by the British crown, *if secured by the blood and treasure of all*, ought, in reason, justice, and policy, to be considered *a common stock*, to be parcelled out by Congress into free, convenient, and independent Governments, as the wisdom of that body shall hereafter direct."

A year later, since Congress had failed to adopt this policy, Maryland made it a condition without which she would not ratify the *Articles of Confederation*.<sup>2</sup> By February, 1779, every other State had ratified. Further delay was in many ways perilous to the new Union; and other States charged Maryland bitterly with lack of patriotism. Virginia, in particular, insinuated repeatedly that the western lands were only an "ostensible cause" for her delay. With clear-eyed purpose, however, the little State held out, throwing the blame for delay where it belonged, — on Virginia and the other States claiming the West.

**310.** Public opinion gradually shifted to the support of the view so gallantly championed by Maryland; and October 10, 1780, the Continental Congress formally pledged the Union to the

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<sup>1</sup> The Iroquois, who had no ownership, had ceded it to England, in the person of the Commander of the English forces in America — who happened also to be just then governor of New York.

<sup>2</sup> By the terms of the Articles, that constitution could not become binding until ratified by each one of the thirteen States.





THE UNITED STATES IN 1783—STATE CLAIMS AND CESSIONS

**new policy.** A Congressional resolution solemnly urged the States to cede the western lands to the central government, to be disposed of "*for the common good of the United States.*" The resolution guaranteed also that all lands so ceded would be "*formed into separate republican States, which shall become members of the federal union and have the same rights of freedom, sovereignty, and independence as the other States.*"

This completed the American plan of colonization. Previously, the world had known only two plans: Greek and Phœnician colonies became *free* by separating at once from the mother cities; the seventeenth and eighteenth century colonies of European countries had remained *united* to the mother countries, but in a condition of humiliating dependence. For the United States Maryland had devised a new plan *combining permanent union with freedom*. This great political invention was peculiarly adapted to a *federal union*, such as America was then forming.

**311.** New York had already promised to give up her western claims, and now Connecticut promised to do likewise. In January, 1781, Virginia's promise followed, for the lands north of the Ohio. The formal deeds of cession were delayed by long negotiations over precise terms, but the general result was now certain. Maryland had won. Accordingly (March 1, 1781), she ratified the Articles. That constitution at last went into operation, — **and the new confederacy possessed a "national domain."**

Kentucky remained part of Virginia until admitted into the Union as a State in 1792; and Virginia did not actually cede the Northwest until 1784, — retaining then the "Military Reserve," a triangular tract of several million acres just north of the Ohio (marked *B* on the map opposite), wherewith to pay her soldiers. Connecticut completed her cession in 1785, and Massachusetts made hers in 1786. Connecticut retained 3,250,000 acres south of Lake Erie, as a basis for a public school fund. This district was soon settled largely by New Englanders, and was long known as "The Western Reserve"; but in 1800, when Connecticut had sold her property in the lands, she granted jurisdiction over the settlers to the United States. North Carolina ceded Tennessee in 1790, and South Carolina had given up her little tract three years earlier; but Georgia clung to her claims until 1802.

## II. ORGANIZATION BY THE NATION

**312.** It was now up to Congress to make good its promise in the resolution of October, 1780 (§ 310). Accordingly, when Thomas Jefferson, as a Virginia delegate in Congress, presented to that body Virginia's final cession, he also proposed a plan of government for all territory "ceded or to be ceded." This plan was soon enacted into law and is commonly known as the *Ordinance of 1784*.

Jefferson supposed that the States would complete their cessions promptly. Accordingly, the Ordinance of 1784 cut up *all* the western territory into proposed States. The old States were to be bounded on the west by the meridian passing through the mouth of the Kanawha. West of that line there were to be two tiers of new States (map opposite). Each State was to be two degrees in width from north to south; and the meridian passing through the Falls of the Ohio was to divide the eastern from the western tier. To ten of the proposed States the plan gave peculiar names, — Michigania, Metropotamia, Polypotamia, Assenisipia, and so on.

As in all our later organization of Territories, certain provisions were to be made a *matter of compact* between each new State and the United States. Thus, the State was forever to remain part of the United States, and to preserve a republican form of government; it was to take over its share of the public debt, and not to tax United States lands within its borders, nor to tax non-residents more heavily than its own citizens. *A remarkable attempt was made also to exclude slavery from all the Western territory after the year 1800: this provision, however, received the votes of only six States, and so failed of adoption.*<sup>1</sup>

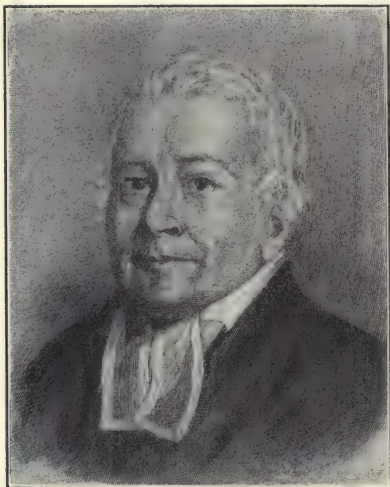
**313.** In 1787, the Ordinance of 1784 was replaced by the great Northwest Ordinance. During the three years which had passed

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<sup>1</sup> Virginia (in spite of Jefferson) and South Carolina voted No; North Carolina was "divided" and so not counted; New Jersey, Delaware, and Georgia were absent. Jefferson stated later that, but for the sickness of a delegate from New Jersey, that State would have been present and in the affirmative; so that the proposition "failed for want of one vote."



since the adoption of the first ordinance, there had been no district in the ceded territory populous enough to organize under the law. Meantime, some parts of the East had begun to look jealously at the prospect of so many new States, to outvote the Atlantic section in Congress. Congress, therefore, appointed a committee to prepare a new plan of organization, with view particularly to reducing the number of future States.



MANASSEH CUTLER. From a woodcut in *Harper's Magazine* for September, 1885, illustrating an article on early Ohio settlement.

There was also another thread to the story. In 1786 a number of New England Revolutionary soldiers had organized a "company of associates," to establish themselves in new homes on the Ohio. Early in 1787 this *Ohio Company* sent the shrewd Manasseh Cutler (one of their directors) to buy a large tract of western land from Congress. Cutler found the proposed Territorial ordinance under discussion. Negotiations for the land deal and for the

new Territorial law (under which the settlers would have to place themselves) became intermingled. Cutler proved an adroit lobbyist.<sup>1</sup> On one occasion he had to frighten the hesitating Congress into action by pretending to take leave; but finally both measures were passed. The ordinance, with a number of new provisions satisfactory to the New Englanders,

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<sup>1</sup>Hart's *Source Book*, 169-172, has an interesting selection from Cutler's Journal.

became law on *July 13*; and a few days later the land sale was completed.

The Ohio Company bought for itself 1,500,000 acres, at "two-thirds of a dollar an acre." Payment was accepted, however, in depreciated "certificates" with which Congress had paid the Revolutionary soldiers, so that the real cost was only eight or nine cents. Unhappily, the purchase was carried through by connecting it with a "job." Influential members of Congress, as the price of their support, induced Cutler to take, at this rate, not merely the million and a half acres which he wanted, but also three and a half million more, which were afterward privately transferred to another "company" composed of these congressmen and their friends.

The "Northwest Ordinance"<sup>1</sup> (so-called because, unlike its predecessor, it applied only to the territory *north* of the Ohio) has been styled second in importance only to the Declaration of Independence and the Constitution. Under it, the new type of American "colony" ("territory") was first actually established. Not less than three, nor more than five states were to be formed from the region, but, until further Congressional action, the whole district was to be one unit. Three stages of government were provided.

(1) Until the district should contain five thousand free *male* inhabitants, there was *no self-government*. Congress<sup>2</sup> appointed a "governor" and three "judges." The governor created and filled all local offices; and governor and judges together selected laws suitable for Territorial needs from the codes of older States, — subject, however, to the veto of Congress.

(2) In the second stage Congress still appointed the governor; but there was now to be a two-House legislature, — a *House of Representatives* elected by the people, and a *Legislative Council* of five men selected by Congress from ten nomi-

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<sup>1</sup> *Source Book*, No. 149, b. The class should study the document at least far enough to verify the statements made in the text regarding it. The *principles* of this law became so fixed during the next century that students are in danger of thinking of the Ordinance as part of the Constitution.

<sup>2</sup> This law was passed, of course, by the Continental Congress. After the adoption of the Constitution, the next year, many powers here given to Congress were transferred to the President of the United States.

nated by the Territorial lower House. This legislature was to send a Territorial delegate to Congress, with right to debate but not to vote. The appointed governor had an *absolute veto* upon all acts of the legislature and controlled its sittings, calling and dissolving sessions at will. Thus, in this stage, *the inhabitants had about the same amount of self-government as in a royal province before the Revolution.*<sup>1</sup> Political rights were based upon a graded *ownership of land*: to vote for a Representative, one must have a freehold of fifty acres; to be eligible for the lower House, two hundred acres; for the upper House, five hundred; and for the governorship, a thousand.

(3) The third stage was provided for in the following words: "Whenever any of the said States shall have *sixty thousand* free inhabitants, such State shall be admitted, by its delegates, into the Congress of the United States, *on an equal footing with the original States in all respects whatever*, and shall be at liberty to form a permanent constitution and State government."

"And, for extending the fundamental principles of civil and religious liberty . . . [and] to . . . establish those principles as the basis of all . . . governments which forever hereafter shall be formed in the said territory," six lengthy articles were declared to be "*articles of compact* between the original States and the people . . . in the said Territory . . . forever [to] remain unalterable, unless by common consent." To similar provisions in the previous ordinance this noble "bill of rights" now added freedom of religion, habeas corpus privileges, exemption from cruel or unusual punishments, and jury trial. Provision was made for the equal division of estates (even of landed property<sup>2</sup>) among the heirs of people who left

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<sup>1</sup> Compare with Massachusetts under her second charter.

<sup>2</sup> In the older States, primogeniture was still the rule, or had been so until just before. Even in New England, the oldest son still inherited a double share. The principle of equal division of landed property had a special democratic value because of the connection between land and political power.

no wills. The Third Article declared that "*schools and the means of education shall forever be encouraged*"; and the great Sixth Article *prohibited slavery*, with a provision, however, for the return of fugitive slaves escaping into the Northwest from other States.

The Northwest Ordinance did not make specific provision for public support of education, as many people suppose. That was done by two other ordinances of the Continental Congress,—one earlier, one just later,—which made smooth the way for western settlement and profoundly influenced its character (§§ 314, 315).

314. In 1785, Congress had passed an ordinance (originating with Jefferson) (1) providing for a rectangular land survey by the government, *in advance of settlement*; (2) establishing land offices for sale of public lands at low prices and in small lots; and (3) giving one thirty-sixth of the national domain (in properly distributed tracts) to the new States, *for the support of public schools*. These three principles have ever since remained fundamental in western development.

For a rectangular survey, it was necessary first to fix a north-and-south and an east-and-west line ("Prime Meridian" and "Base Line"). The ordinance named two such lines; and as the survey proceeded, others were located. Diagram A indicates those actually used for the Northwest Territory. Oregon lands are surveyed from a "Twenty-fourth Prime Meridian."



UNITED STATES SURVEY: DIAGRAM A. BASES AND MERIDIANS FOR THE OLD NORTHWEST.

Beginning at the *intersection* of a Prime Meridian and a Base, the surveyors run out perpendiculars from each line *at six-mile intervals*. The intersections of the two sets of perpendiculars mark off the domain into squares, called *townships*, each containing thirty-six square miles. The first row of squares west of the Prime Meridian is called *Range One*; the second row, *Range Two*; etc. Any square in the row just north of the Base is called *Town One*; any one in the second row, *Town Two*. Thus to name both Town and Range is to locate any township beyond dispute.

Each township is subdivided into thirty-six smaller squares, called *sections*, each one mile square, numbered from one to thirty-six, beginning in the northeast corner of the township

|    |    |    |    |    |    |
|----|----|----|----|----|----|
| 6  | 5  | 4  | 3  | 2  | 1  |
| 7  | 8  | 9  | 10 | 11 | 12 |
| 18 | 17 | 16 |    | 15 | 14 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 30 | 29 | 28 | 27 | 26 | 25 |
| 31 | 32 | 33 | 34 | 35 | 36 |

DIAGRAM B. A TOWNSHIP SUBDIVIDED INTO SECTIONS.

|                  |          |                  |
|------------------|----------|------------------|
| NW $\frac{1}{4}$ | $\alpha$ | NE $\frac{1}{4}$ |
| NW $\frac{1}{4}$ |          |                  |
| SW $\frac{1}{4}$ |          | S $\frac{1}{2}$  |
|                  |          |                  |

DIAGRAM C. A SECTION SUBDIVIDED.

(Diagram B). Subsequent legislation provided for more minute divisions, cutting the sections into halves (320 acres), quarters (160 acres), and quarters of quarter sections ("forties"). Each such subdivision is named by its location (Diagrams B and C).<sup>1</sup> It became possible now for a pioneer to locate land without the costly aid of a private survey.<sup>2</sup>

<sup>1</sup> EXERCISE. — Draw C with other distribution of subdivisions, naming each one. Name  $\alpha$  in Diagram C.

<sup>2</sup> Previous to this law of 1785, surveys in America had been irregular, overlapping one another in places, and in other places leaving large fractions

In indirect ways, too, this method of survey has affected Western life. County Boards run roads on the section lines, and, when necessary, on the geometric subdividing lines. The counties, made up of square townships, take on a more rectangular form, as compared with those in older States; and the Western States themselves tend to a similar form.<sup>1</sup>

An attempt to insert a provision in the Ordinance of 1785 to set aside section 15 of each township for the maintenance of religion was voted down; but *each section 16 was granted to the future communities for the support of common schools*. This provision *preceded* the vague phrase in the Ordinance of '87 regarding encouragement to education; and it ranks in importance with the exclusion of slavery by that document.

The intention was to have each township use the proceeds from its section 16 for its own schools. Happily, it was soon decided to give the sale of school lands to *State* officials, rather than to local officers, and to turn all proceeds into a *permanent* State fund, of which only the interest is divided each year among various localities of the State, usually in proportion to their school attendance. The States admitted since 1842 have received also section 36 of each township for school purposes, or one eighteenth of the land within their limits, besides lavish grants for internal improvements.

**315.** The other great act of the dying Continental Congress which deserves grateful remembrance was passed a few days after the Northwest Ordinance. Cutler was not content even with the generous terms he had secured for the Ohio Company; and he obtained a further free grant of forty-six thousand acres "of good land" in the proposed Territory "for the support of *an institution of higher learning*," — the land to be located, and

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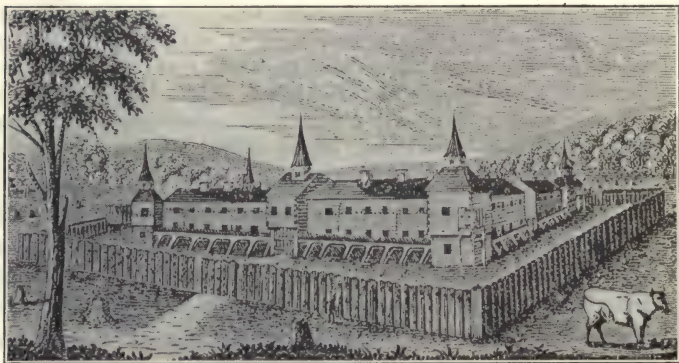
unincorporated in any "description." The points of beginning, too, had been arbitrarily chosen, and, if once lost, they were hard to determine again. At almost the date of this ordinance, the records of Jefferson County in Kentucky describe the land of Abraham Lincoln's grandfather as located on a fork of the Long Run, beginning *about* two miles up from the mouth of the fork, "at a Sugar Tree standing in the side of the same marked S D B and extending thence East 300 poles to a Poplar and Sugar Tree North 213½ poles to a Beech and Dogwood West 300 poles to a White Oak and Hickory South 213½ poles to the Beginning." The older portions of the country still keep these cumbersome and imperfect descriptions.

<sup>1</sup> Note any map of the United States, as after p. 604.

funds used, "as the future legislature of the proposed settlement may direct." *Here begins the policy of national land grants to "State universities."* When the Territory of Indiana was set off on the West, a like grant was made for it; and so on, for each new Territory since. After 1873, such grants to new Territories were doubled in amount.

### III. EARLY SETTLEMENT

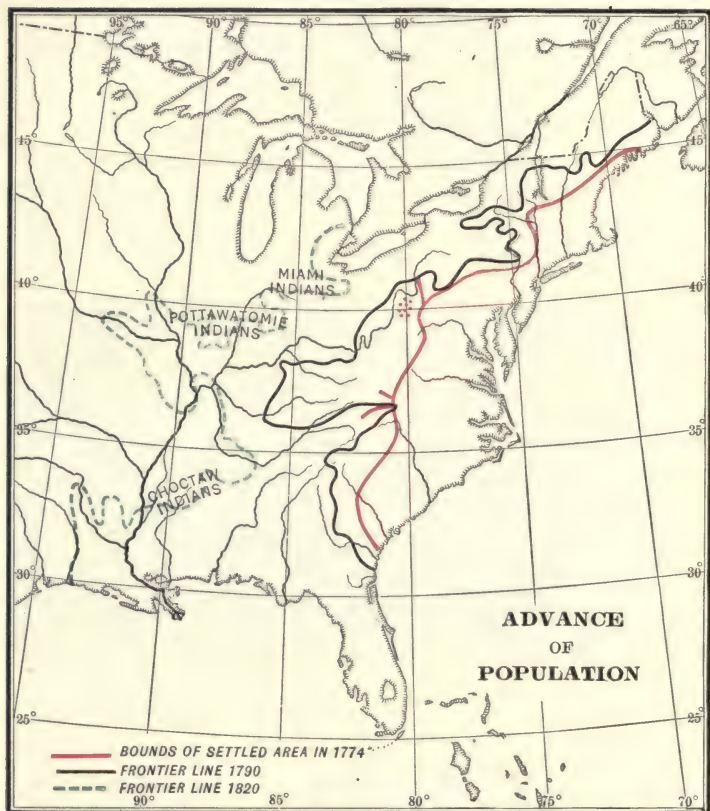
**316.** The Ohio Company pressed its preparations eagerly, and advertised the riches of the West extravagantly, to sell its lands; and in the winter of 1787-1788, fifty New Englanders under General Putnam made the western journey as far as Fort



CAMPUS MARTIUS, MARIETTA, 1791, as reconstructed in *The American Pioneer* in 1842. The building inside this ten-foot palisade was 180 feet square. The projecting block houses at the corners were each 20 feet square with an overhanging bullet-proof upper story 24 feet square, crowned by a steepled sentry house. Note the sharpened stakes projecting from the building, and the loop holes in the palisade.

Pitt (Pittsburg). Here they built a huge boat, with sides protected by bullet-proof bulwarks, naming it the *Mayflower* in memory of their forefathers' migration to a new world. As soon as the ice broke up, they floated down the Ohio to the mouth of the Muskingum, and there founded *Marietta*.





Various hamlets soon clustered about this first settlement, — each, as a rule, centered about a mill, — and within two years the colony contained a thousand people. Thousands more floated past Marietta during its first season, most of them bound for Kentucky, but many to establish themselves at points in the Northwest.

For many years, migration continued to be by wagon to Pittsburg or Wheeling, and thence by water on hundred-foot rafts carrying cattle and small houses, or on somewhat more manageable flatboats seventy feet long perhaps. Such vehicles were steered from rocks and sand bars by long “sweeps” (cut on p. 255). They floated lazily with the current by day, and tied up at the bank at night. Occasionally, long narrow keel boats were used; and these were especially convenient, because, by the brawny arms of seven or eight men, they could be poled *up* tributary streams, to choice points for settlement.

For a time, settlement was hampered by frequent Indian forays. The wars that followed, however, were managed by the Federal government, with regiments of “regulars.” In 1790 and 1791, expeditions against the Indians were repulsed disastrously — the second costing more than half the American force. But in 1794 General Wayne inflicted a crushing defeat upon the natives; and, the same year, a new treaty with England secured to the United States actual possession of the Northwest posts (§ 290). This deprived the Indians of all hope of English support,<sup>1</sup> and they ceased to molest settlement seriously until just before the War of 1812.

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<sup>1</sup> American writers used to assume that the early Indian forays were directly fomented by the English officials in the Northwest posts. No doubt the presence of English troops there did have some effect upon Indian hopes. But after a careful examination of recently opened sources of information, Professor Andrew McLaughlin writes: — “I am glad to be able to state . . . that England and her ministers can be absolutely acquitted of the charge that they desired to foment war in the West. . . . There was never a time when the orders of the home government did not explicitly direct that war was to be deprecated, and that the Indians were to be encouraged to keep the peace.” — *Report of American Historical Association for 1894*, 435 ff.

The second stage of territorial government, with a representative legislature, did not begin until 1799. The next year Congress divided the district into two "Territories." In 1802 the eastern Territory was admitted to the Union as the **State of Ohio**. The western district became the Territory of Indiana.

**317. Summary: the Meaning of the West.** The early Western settlements, we have seen, reproduced the simplicity of the first settlements on the Atlantic coast a century and a half before; and the progress of the new communities was influenced greatly by the experience of the older ones. But the Western societies did not merely copy Eastern development. They did not begin just where the Atlantic seaboard settlements did. *They started on a different plane* and with greater momentum. The Atlantic frontier had to work upon *European* germs. Moving westward, each new frontier was more and more *American*, at the start; and soon the older communities were reacted upon wholesomely by the simplicity and democracy of the West. These considerations give the key to the meaning of the West in American history. Says Frederic G. Turner: —

"American social development has been continually beginning over again on the frontier. This *perennial rebirth*, this fluidity of American life, this expansion westward with its new opportunities, this continuous touch with the simplicity of primitive society, furnish the forces dominating American character. . . . The frontier is the line of most rapid and effective Americanization." (*American Historical Association Report for 1893.*)<sup>1</sup>

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<sup>1</sup> Dr. Turner is the first true interpreter of the frontier in our history. But every student should read also Woodrow Wilson's "Course of American History" in his volume *Mere Literature*, and Samuel Crothers' "Land of the Large and Charitable Air" in *The Pardoner's Wallet*.

## PART V

### MAKING THE CONSTITUTION

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#### CHAPTER XXVIII

##### THE "LEAGUE OF FRIENDSHIP"

**318.** THE motion in Congress for Independence, on June 7, 1776 (§ 263), contained also a resolution that a "plan of confederation" be prepared *and submitted to the States*. A committee was appointed at once to draw up a plan. Not till November, 1777, however, did Congress adopt the "**Articles of Confederation**"; and *ratification* by the States was not secured until 1781 (§ 311), when the war was virtually over. From '76 to '81, Congress exercised the powers of a central government. The States had not *expressly* authorized it to do so, but they acquiesced, informally, because of the supreme necessity.

**319.** During those years were the States *one nation or thirteen*? *No one at the time thought the Declaration of Independence binding upon any State because of the action at Philadelphia*, but only because of the instructions or ratification by the State itself. Congress had not even *advised* the States on Independence. It waited for the States to instruct their delegates. Then the vote was taken by States, *and the delegates of no State voted for the Declaration until authorized by their own State Assembly*. The action at Philadelphia on July 4, 1776, amounted to a *joint announcement*, in order, in Franklin's phrase, that they might all "hang together," so as not to "hang separately." Twenty years afterward, in a decision of the Supreme Court of the United States, Justice Chase said:—

"I regard this [the Declaration of July 4, 1776] a declaration not that the united colonies *in a collective capacity* were independent States, but that *each* of them was a *sovereign and independent State*" (3 Dallas, 224).

The final paragraph of the Declaration refers to "the authority of the good people of these colonies"; and, in later times, that one phrase has been tortured into proof that the Declaration was the act of one people, — a single nation. Such reasoning ignores *three longer phrases in the same paragraph* which teach more emphatically the opposite doctrine, — of *thirteen* peoples. The signed copy, too, was headed "The *unanimous* Declaration of the *thirteen* United States."

It would be unwise, however, to draw conclusions from the *wording* of this document *alone*, even were that wording in agreement throughout. The men of '76 had not yet learned to use the terms, *independence, sovereign, state, nation*, with the nice precision that belongs to later days. Moreover, they were thinking just then of the relations of the States to England, not to one another. But *other language* — of even the most accurate thinkers and most earnest "unionists" — *proves beyond doubt* that **men did not think of the thirteen States as one nation in 1776.**

Hamilton wrote, in 1784: "By the Declaration of Independence of July 4, 1776, *acceded to by our Convention of the ninth*, the late colony of New York became *an independent State*" (*Works*, Lodge ed., III, 470). The Pennsylvania Convention in July, 1776, approved the "cogent reasons" given "by the honorable Continental Congress for declaring *this*, as well as *the other* United States of America free and independent," and asserted that "we will . . . maintain the freedom and independency of *this and the other* United States." So, too, Connecticut (October, 1776), when adopting her old charter for a constitution, declared, "This Republic [*viz.*, Connecticut] is . . . a free, *sovereign*, and independent State."

**320.** More than half a century later there dawned a long struggle — finally to be settled by the sword — between Union and Disunion. Meantime the early principle of Union had been growing stronger and more pervasive, until it had become the truth most essential to the political life of our people. The

progressive side, in the long struggle that followed, took its stand upon this truth; and, with a common instinct of our people, they tried to date that truth back further than it really belonged, so as to claim for it the sanction of age.<sup>1</sup> The splendid names of Story and Lincoln became connected with the mistaken doctrine that the Union was older than the States. To the North, this blunder finally became identified with patriotism; and for two generations after the Civil War it was taught in textbooks.

The present generation has not known the terrible danger of disunion, and it can look more calmly at the theories. Recent scholars reject the patriotic fiction of the antiquity of the Union in its extreme form. We can all see now that the real basis for Lincoln's stand was not any theory about the past, but the need and will of a living people.

**321.** Still we must not assert dogmatically that the States were older than the Union — *and leave the delicate question so.* When we look at the *actions* of the time as well as at its *words*, we see that **States and Union grew up together.** True, the States took form fastest and first: but, from the beginning, there was a general *expectation* that they would soon be united. Except for some such expectation, they would hardly have been born at all: and except for the creation of a union, they certainly could not have lived. The Union did not create the States; but *it did preserve them.*

Just after July 4, 1776, there was nothing but common sense to keep any State from acting as an independent nation. Some of them did act so, even in foreign relations. Virginia negotiated with Spain about the protection of their common trading interests in the West; and she even thought it necessary for her legislature to confirm the treaty made by Congress with

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<sup>1</sup> Reformers of the English-speaking race have ever tried to persuade themselves that they were only trying to get back to the "good old days of King Edward." *Progress* tries to cloak itself in some legal fiction to the effect that it is merely *restoration*. The student of English history will be familiar with many illustrations.

France in 1778. But, on the whole, with great good sense, the States allowed their possible independence to lapse by disuse. As a rule, Congress managed the war and all foreign relations; and this *practice* was soon made the constitutional *theory* by the Articles of Confederation.

**322.** When the war for Independence closed, the real dangers to American union became plainer. The years 1783-1788 were "The Critical Period." The many evils of those perilous years come under three heads: (1) the weakness of the Central Government; (2) conflicts between the States; and (3) anarchy within individual States.

**323.** The authority of Congress was really less after 1781 than before. The war was practically over, and the States no longer felt it necessary to obey a central power. More and more, the wish for nationality was lost in a narrow State patriotism. In the generous glow of the first years of revolution, Patrick Henry had once exclaimed: "I am no longer a Virginian: I am an American." But about 1781 the language of State sovereignty became almost universal; and in the Virginia Assembly, Richard Henry Lee spoke of Congress as "a foreign power."

In internal affairs Congress had never held real power (§ 281), and now its weakness became notorious and shameful. Able and ambitious men left it for places in State legislatures. In 1785 and 1786, for more than half its sessions, not enough members to do business could be got together.

The treaty of 1783 had to be ratified within six months of its signing at Paris; but three months expired before the necessary *nine* States were represented in Congress. Twenty delegates, representing only *seven* States, were present when Washington resigned command of the army. Rarely afterward were eleven States represented; and often three men (of the twenty or twenty-five present) could defeat any important measure, — since such measures required the assent of nine States.

**324.** Two weaknesses of Congress call for special attention: (1) It could not negotiate with foreign powers to advantage; and (2) it could not raise funds for the bare necessities of government at home.

*a.* Congress had proven unable to compel the States to re-

spect even the treaty of peace with England (§ 291). We wished a further commercial treaty, but the irritated English ministry asked whether they were to deal with one State or with thirteen. Other countries, too, cared little to spend effort on negotiations that promised to be waste paper.

*b.* Congress was bankrupt. For a time it paid *interest* on the \$6,000,000 it had borrowed from France, but only by borrowing \$2,000,000 more from Holland; and there came a period when it was impossible for Yankee ingenuity to wheedle more money from friendly Frenchman or Dutchman. At home, Congress had made no pretense of paying even interest. Interest-bearing "certificates," issued by Congress to pay off the army, passed by 1788 at twelve cents on the dollar, and the \$240,000,000 of paper currency was practically repudiated.

Congress could get money only by calling upon the States for contributions. In 1781, while the war was still going on, Congress called for \$5,000,000. Less than a tenth was paid. Some States ignored the call, and New Jersey defied it. During the six years 1783-1788 (after the war), Congress made requisitions amounting to \$6,000,000; but less than \$1,000,000 was ever paid.

*This shame cannot be excused on any plea of poverty.* The war had demoralized industry; but after all, the main difficulty was the desire of each State to shift its burden upon a neighbor. Says Francis A. Walker (*Making of the Nation*, 9):—

"Our fathers at the close of the Revolution were not an impoverished people. They were able to give all that was demanded of them. It chiefly was a bad political mechanism which set every man and every State to evading obligations. . . . *Under a thoroughly false system, such as this was, it is amazing how much meanness and selfishness will come out.*"<sup>1</sup>

**325. The second great evil of the period was strife between the States.** A wise provision of the Articles *tried* to make Congress the arbiter in disputes between States; but bitter jealousies

<sup>1</sup> This judgment is proved correct by the fact that with a change of political machinery these evils vanished as by magic.

made this provision a dead letter. Each State had its line of custom houses against all the others, with all sorts of discriminations, fruitful of discord. Connecticut taxed goods from Massachusetts more than the same articles from England, — in hope of drawing away British trade from the older colony; and, on another frontier, she waged a small war with Pennsylvania over the ownership of the Wyoming valley, while she seemed on the verge of war, for similar reasons, with New York and New Hampshire. New York taxed ruinously the garden produce of the New Jersey farmers, who supplied her and who had no other market; and New Jersey retaliated with a confiscatory tax of a thousand dollars upon a spot of sandy coast which New York had bought from her for the site of a lighthouse. South Carolina and Georgia were coming to blows over the navigation of the Savannah. Kentucky, Tennessee, Vermont, and Maine were all demanding independence of the older States of which they were still legally a part. In all ages the two fruitful causes of war between neighboring nations have been disputes over trade and over boundaries; and just such disputes were now threatening to turn the Atlantic coast into a stage for petty bloody wars.

**326. The third great evil was anarchy inside the States.** The long struggle against England's control led some intelligent patriots, like Samuel Adams and Richard Henry Lee, to object to any real control over the new States, even by Congress; and it made many ignorant men hostile to *any government*, Central or State. For years, even before open war, they had associated service to liberty with antisocial acts — boycotts, breaking up courts, terrorizing officers of the law. Many of them had won easy reputation as patriots by refusing to pay honest debts due in England; and they now felt it a hardship to pay debts to their neighbors. Demagogues declaimed, to applauding crowds, that all debts ought to be wiped out (*Source Book*, No. 151, b, (2)). Wild theories as to common ownership of property were in the air.

A rude awakening all this proved to the patriots who had

expected a golden age. "Good God!" exclaimed Washington, of such disorders; "Who but a Tory could have foreseen, or a Briton predicted, them?" And again, in momentary despair, he declared that such commotions "exhibit a melancholy proof . . . that mankind, when left to themselves, are unfit for their own government" (*Source Book*, No. 151, *b*). The worst of it was, too, that these semicriminal forces of lawlessness and confiscation were reinforced by the bitter discontent of multitudes of well-meaning men who were suffering real hardships. Many an old soldier who had lost his home by mortgage foreclosure, or who was in danger of doing so, felt that the loss was due to his having received insufficient pay in worthless paper money, while the law of the time drained his slender resources by extortionate court fees, and threatened to condemn him to hopeless *imprisonment* for such undeserved debt.<sup>1</sup>

**327. The most widespread manifestation of this wild spirit was the *fiat money craze*** that swept over half the States and threatened all the others, despite the recent grievous experience with such currency.<sup>2</sup> In New Hampshire an armed mob besieged the legislature to obtain such relief. The Rhode Island experience was the most serious, but it also suggested a remedy by recourse to the courts.

Paper money was the issue in that State in the election of the legislature in 1785. The "cheap money" party won. Creditors fled, to escape accepting the new "legal tender" for old loans of good money, and storekeepers closed their shops rather than sell goods for the worthless stuff. Then the legislature made it a penal offense, *punishable without jury trial*, to refuse the paper in trade. Finally a certain Weeden, a butcher, who had refused to sell meat for paper to one Trevett, was brought to trial (1786). Weeden's lawyer pleaded that the law, refusing jury trial, was in conflict with the "con-

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<sup>1</sup> Cf. *Source Book*, No. 151, *a*, for a statement of grievances.

<sup>2</sup> All this has no application to an issue of paper money properly secured upon some real value for which it can be exchanged.

stitution"<sup>1</sup> and was therefore void. The court took this view and dismissed the case. The legislature summoned the judges to defend themselves; and, after hearing their defense, voted that it was unsatisfactory. At the next election, three of the four judges were defeated; but their action had helped to lay the foundation for the tremendous power of the later American courts.

**328. Most important of all the anarchic movements was Shays' Rebellion in Massachusetts.** For six months in 1786-1787, parts of the State were in armed insurrection against the regular State government. Rioters broke up the courts in three large districts, to stop proceedings against debtors. And Daniel Shays, a Revolutionary captain, with nearly two thousand men, was barely repulsed from the Federal arsenal at Springfield. Says Francis A. Walker (*Making of the Nation*, 17):—

"The insurgents were largely, at least in the first instance, sober, decent, industrious men, wrought to madness by what they deemed their wrongs; but they were, of course, joined by the idle, the dissipated, the discontented, the destructive classes, as the insurrection grew."

Congress prepared to raise troops to aid Massachusetts, but, *fearing to avow that purpose*, pretended to be preparing for an Indian outbreak. In any case, Congress was too slow to help. The legislature of Massachusetts, too, proved timid. But Governor Bowdoin acted with decision. The State militia were called out (supported by contributions from Boston capitalists), and the rebels were dispersed in a sharp mid-winter campaign. A few months later, however, Bowdoin was defeated for reelection by John Hancock, a sympathizer with the rebellion,—who then pardoned Shays and other rebel leaders.

**329. This rebellion was one of the chief events leading to the new Federal Constitution.** Men could look calmly at Rhode Island vagaries, and even at New Hampshire anarchy; but riot and rebellion in the staid,

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<sup>1</sup> "Constitution" was used here, as by Otis in 1761, in the English sense, since the Rhode Island Charter made no *specific* reference to trial by jury. This makes the decision the more daring and remarkable.

powerful Bay State was another matter. It seemed to prophesy the dissolution of society, unless there could be formed at once a central government strong enough "to ensure domestic tranquillity." When Henry Lee in Congress spoke of using *influence* to abate the Rebellion, Washington wrote him in sharp rebuke: "You talk, my good Sir, of using *influence*. . . . Influence is no government. Let us have one [a government] by which our lives, liberties, and properties may be secured, or let us know the worst."

**330.** All these evils of the Critical Period had their roots in the Articles of Confederation. The Confederation called itself a "firm league of friendship." Avowedly it fell far short of a national union. The central authority was vested in a Congress of delegates. These delegates were appointed annually by the State legislatures, and were paid by them. Each State had one vote in Congress,<sup>1</sup> and nine States had to agree for important measures. Each State promised to the citizens of the other States all the privileges enjoyed by its own citizens (the greatest step toward real unity in the Articles); and the States were forbidden to enter into any treaty with foreign powers or with each other, or to make laws or impose tariffs that should conflict with any treaty made by Congress. Congress was to have sole control over all foreign relations; and, for internal matters, it was to manage the postal service and regulate weights and measures and the coinage.

The final article read: "Every State *shall abide* by the determination of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation *shall be inviolably observed* by every State, and the Union shall be *perpetual*. . . ." But a previous article provided, "Each State retains its *sovereignty*, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly* delegated to the United States in Congress assembled."

**331.** The "Articles of Confederation" was not a crude or clumsy document of its kind. *Probably it was the best constitution for a*

<sup>1</sup> For this rule in 1774, cf. *Source Book*, No. 130, a. For the contest over the matter in forming the *Articles of Confederation*, cf. *ib.*, No. 146.

*confederacy of states that the world had ever seen.* Certainly it had many improvements over the ancient Greek confederations and over the Swiss and Dutch unions. The real trouble was, *no mere confederacy could answer the needs of the new American people.* That people needed a ***national government.***

The inadequacies of the Articles may be treated conveniently under four heads: (1) poor machinery of government; (2) insufficient enumeration of powers; (3) impossibility of amendment; and (4) the fact that the government could not act upon individual citizens, but only upon States.

a. The requirement that nine States in Congress must agree for important business hindered action unduly, — especially when for long periods not more than nine or ten States were represented. Moreover, the union had no executive and only a feeble germ of a judiciary.

b. *No federal government had ever had a longer list of important matters committed to its control,* but the list should have contained at least two more powers: *power to regulate interstate commerce* would have prevented much civil strife; and *authority to levy a low tariff for revenue* would have done away with the chief financial difficulties.

c. After all, the defects discussed in *a* and *b* were matters of detail. They might have been remedied without giving up the fundamental principle of the union as a *league of sovereign States.* And the States *would* have corrected them, in part at least, had it not been for the third evil. The *amending clause* (in the Thirteenth Article) demanded the *unanimous consent of the thirteen State legislatures* for any change in the Articles. In practice, this prevented any amendment.

In February, 1781, Congress submitted to the States an amendment which would have added to its powers the *authority to put a five per cent tariff on imports,* — the proceeds to be used *in paying the national debt and the interest upon it.* This modest request for an absolutely indispensable power roused intense opposition. "If taxes can thus be levied by any power outside the States," cried misguided patriots, "why did we oppose the tea duties?" After a year's discussion, twelve States con-

sented; but Rhode Island voted that such authority in Congress would "endanger the liberties of the States," and the amendment failed.

Another attempt was made at once (1783), similar to the former except that now the authority was to be granted Congress for *only twenty-five years*. Four States voted No.<sup>1</sup> Congress made them a solemn appeal not to ruin the only means of redeeming the sacred faith of the Union. Three of them yielded, but New York (jealous now of her rapidly growing commerce) maintained her refusal; and the amendment again failed (1786), *after three years of negotiation*. Farseeing men then gave up hope of efficient amendment by constitutional means. *Revolution* (peaceable or violent) or *anarchy*, — these were the alternatives.

*d. The fourth evil* (the failure to act upon individuals) *was fundamental*. It could not be corrected except by changing the confederation of sovereign States into some kind of national union. For three millions of weak subjects Congress might have passed laws. On thirteen powerful subjects it could merely make *requisitions*. John Smith or Henry Jones would hardly think of refusing obedience to a command from a Central government; but New York or Virginia felt as strong as Congress itself, and would do as they pleased. A *confederation of states* is necessarily a "government by supplication."

**332.** In the final outcome it was fortunate that constitutional amendment was impossible. Otherwise, reasonable amendment might have patched up the Articles and kept the defective union alive. *But no ordinary amendment could have cured the fundamental evil*. The Constitutional Convention of 1787, when it came, perceived the need clearly and met it courageously. For several years, from 1781 to 1787, thinkers had been groping towards the idea that we must have *a new kind of federation*, such that the central government could *act directly upon individual citizens*; and in that final year Hamilton wrote:—

"The evils we experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure, which cannot be

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<sup>1</sup> Virginia was one of the four States that at first refused. "This State," said Arthur Lee, "is resolved not to suffer the exercise of any *foreign* power or influence within it." And Richard Henry Lee affirmed that if such an amendment prevailed, Liberty would "become an empty name."

amended otherwise than by an alteration in the first principles and main pillars of the fabric. The great radical vice of the existing confederacy is the principle of LEGISLATION for STATES in their *corporate* or *collective capacity*, as contradistinguished from the INDIVIDUALS of which they consist." — *Federalist*, XI. (The variety of type was used by Hamilton.)

**333.** This fundamental defect of the Confederation had been found in every federal union in earlier history. All had been *confederations of states*. The American Constitution of 1787 was to give to the world a new type of government, — a *federal state*. In the old type the states *remained* sovereign states confederated. In the new type they are *fused*, for certain purposes, into one sovereign unit.

This new kind of federal government was "a great discovery in political science."<sup>1</sup> It was adopted by Switzerland in 1848, by the Dominion of Canada in 1867, by the German Empire in 1871, by Australia in 1900, and by South Africa in 1909.

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<sup>1</sup>Tocqueville, a shrewd and friendly French observer. His *Democracy in America* (1835) was the first careful and sympathetic study of our institutions. For sixty years it remained the best textbook on our government, until superseded, in a measure, by the work of an English statesman (Bryce's *American Commonwealth*). Both works may be used to advantage by high school students.

## CHAPTER XXIX

### THE FEDERAL CONVENTION

**334.** WHEN the second revenue amendment failed, in 1786 (§ 331), a **Continental convention** had already been called to consider more radical changes.

Suggestions for a convention to form a stronger government had been made from time to time by *individuals* for several years. As early as 1776 Thomas Paine had urged:—

“Nothing but a continental form of government can keep the peace of the continent. . . . Let a *continental conference* be held to frame a continental charter. . . . Our strength and happiness are continental, not provincial. We have every opportunity and every encouragement to form the noblest and purest constitution on the face of the earth.”

Twice Hamilton had secured from the New York legislature a resolution favoring such a convention. No concrete result followed, however, until these proposals became connected with a commercial undertaking.

Washington had long been interested in Western lands, and at the close of the Revolution he owned some thirty thousand acres in the Virginia Military Reserve (§ 311). A visit to the West impressed him powerfully with the need of better communication with that region, both for business prosperity and for continued political union;<sup>1</sup> and he urged Virginia to build roads to her Western possessions. In pursuance of this idea he became president of a company to improve the navigation of the Potomac. This matter required assent from both Virginia and Maryland. These States were also in dispute over the tariffs at the mouth of Chesapeake Bay. At Washington's

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<sup>1</sup> Referring to the danger that the Westerners might join Spain (§ 304), he wrote: “They . . . stand, as it were, upon a pivot. The touch of a feather would turn them either way.”

invitation, commissioners from the two States met at Mount Vernon, to discuss these matters. There it was decided to hold another meeting to which Pennsylvania also should be invited, as she, too, was interested in Chesapeake Bay. Washington had suggested that the proposed meeting, since it concerned improvement in the *means* of commerce, should consider also the possibility of *uniform duties* on that commerce. Maryland expressed approval, and asked whether it might not be well to invite other States to the proposed conference; and Virginia finally issued an invitation to *all* the States to send representatives to Annapolis, September 1, 1786.

**335. Only five States appeared at this Annapolis Convention.** Even Maryland failed to choose delegates. But New Jersey had instructed her representatives to try to secure, not only uniform duties, but also *other measures which might render the Confederation adequate to the needs of the times*. This thought was made the basis of a new call. The delegates at Annapolis adopted an address (drawn by Hamilton) urging all the States to send Commissioners to Philadelphia the following May, —

“to devise such further provisions as shall appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union,” and to report to Congress such an act “as when agreed to by them [Congress], *and confirmed by the legislatures of every State*, will effectually provide for” those exigencies.

At first this call attracted little attention. But the sudden increase of anarchy in the fall of 1786 brought men to recognize the need for immediate action (§ 329). Here was the opportunity. Madison persuaded the Virginia legislature to appoint delegates and to head the list with the name of Washington. Other States followed promptly; *and the Philadelphia Convention became a fact*.

Even in Virginia there was warm opposition to a convention. Patrick Henry refused to attend, and the young Monroe called the meeting unwise. Washington thought of declining his appointment, not because the meeting was not needed, but because he expected it to turn out a fizzle. Not until late in March did he agree to go, after three months of hesitation.

**336. The famous Philadelphia Convention lasted four months** — from May 25, 1787, to September 17. The debates were guarded by the most solemn pledges of secrecy. *Most that we know about them comes from Madison's notes.* Madison had been disappointed in the meager information regarding the establishment of earlier confederacies, and he believed that upon the success of the federation now to be formed "would be staked . . . possibly the cause of liberty throughout the world." Accordingly, he determined to preserve full records of its genesis. Missing no session, he kept careful notes of each day's proceedings and of each speaker's arguments; and each evening he wrote up these notes more fully, submitting them sometimes to the speakers for correction. In 1837, when every member of the Convention had passed away, Congress bought this manuscript from Mrs. Madison, and published it as "*Madison's Journal of the Constitutional Convention.*" A few other members took imperfect notes and several wrote letters that throw light upon the attitude of certain men.<sup>1</sup>

**337. Fifty-five men sat in the Convention.** Seventy-three delegates were appointed; but eighteen failed to appear. Twenty-nine of the fifty-five had benefited by college life; but among those who had missed that training were Franklin and Washington. With few exceptions the members were young men, several of the most active being under thirty. The entire body was English by descent and traditions. Three notable members — Alexander Hamilton of New York, and James Wilson and Robert Morris of Pennsylvania — had been born English subjects *outside* the United States; and the great South Carolina delegates, Rutledge and the Pinckneys, had been educated in England.

Virginia and New Jersey were to give their names to the two schemes that contended for mastery in the Convention; and their delegations, therefore, are of special interest. Virginia sent seven members. Among them were *Washington, George*

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<sup>1</sup> All these sources are collected and edited by Professor Max Farrand in *The Records of the Federal Convention of 1787.*

*Mason* (who eleven years before had drawn the first State constitution), *Edmund Randolph*, her brilliant young Governor, and *Madison*, who was to earn the title "Father of the Constitution." New Jersey sent four delegates, all tried statesmen: *Livingstone*, eleven times her Governor; *Patterson*, ten times her Attorney-General; *Brearly*, her great Chief Justice, who had taken the greatest step in America so far toward magnifying the function of the courts (§ 352, *b*, note); and *Houston*, many times her Congressman.

These delegations were typical. "Hardly a man in the Convention," says McMaster, "but had sat in some famous assembly, had filled some high place, or had made himself conspicuous for learning, for scholarship, or for signal service rendered in the cause of liberty."

**338.** But this illustrious company felt a deep distrust of democracy. They did not believe in a "government of the people and by the people." *In their political thought, they were much closer to John Winthrop than to Abraham Lincoln.* They wished a government for the people, but by what they were fond of calling "the wealth and intelligence of the country." At best, they were willing only so far to divide power between "the few" and "the many" as to keep each class from oppressing the other, — and they felt particular tenderness for "the few." The same causes that made them desire a stronger government made them wish also a more aristocratic government. It seemed an axiom to them that the unhappy conditions of their country were due (as Gerry<sup>1</sup> phrased it) to "an excess of democracy."

Necessarily the men of the Convention belonged to the eighteenth century, not the twentieth. But, more than that, they represented the crest of a reactionary movement of their own day. In the early Revolutionary years, the leaders had been forced to throw themselves into the arms of democracy for protection against England (§ 231), and those years had been

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<sup>1</sup> Elbridge Gerry was one of the four delegates from Massachusetts, perhaps the most democratic of them, and, some years later, a real democratic leader.

marked by a burst of noble enthusiasm for popular government. But, when the struggle was over, the "leaders of society" began to look coldly upon further partnership with distasteful allies no longer needed; and this inevitable tendency was magnified by the unhappy turbulence of the times. By 1785, especially among the professional and commercial classes, a conservative reaction had set in; and *this expressed itself emphatically in the Philadelphia Convention*. Says Woodrow Wilson (*Division and Reunion*, 12):—

"The Federal government was not by intention a democratic government. In plan and in structure *it had been meant to check the sweep and power of popular majorities*. . . [It] had in fact been originated and organized upon the initiative, *and primarily in the interest*, of the mercantile and wealthy classes."

May 31, the second day of debate, Gerry declared that he "abhorred" pure democracy as "*the worst of all political evils*."<sup>1</sup> The same day, Roger Sherman of Connecticut objected to the popular election of the members even of the *lower* House of Congress, because "*the people, immediately, should have as little to do as may be about the government*"; and Randolph explained that the Senate, in the Virginia plan, was designed as "*a check against this tendency*" [democracy]. In tracing to their origin the evils under which the country labored, "*every man*," he affirmed, "*had found [that origin] in the turbulence and follies of democracy*." Two days later, Dickinson declared "a limited monarchy . . . one of the best governments in the world. It was not certain that equal blessings were derivable from any other form. . . . A limited monarchy, however, was out of the question. *The spirit of the times forbade the experiment*. . . . *But though a form the most perfect perhaps in itself be unattainable, we must not despair*"; and he proceeded to suggest ways to make property count in the new government. June 6, he returned to this theme, urging that the Senate should be "*carried through such a refining process* [viz., indirect elections

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<sup>1</sup> The following quotations in this chapter all come from Madison's *Journal*, unless otherwise indicated.

and property qualifications] as will assimilate it, as nearly as may be, to the House of Lords in England."

Gouverneur Morris of Pennsylvania, one of the most brilliant and effective men in the Convention, also believed it essential that the Senate should be "an aristocratic body," *composed of rich men holding office for life*. Said he, "It must have great personal property; it must have the aristocratic spirit; it must love to lord it through pride." Morris, Rufus King of Massachusetts, and Rutledge strove strenuously to have wealth represented in the *lower* House also, affirming, each of them, that "property is the *main* object of government"; nor did this claim, so un-American to our ears, call forth one protest that government should concern itself as much with human rights as with property rights.

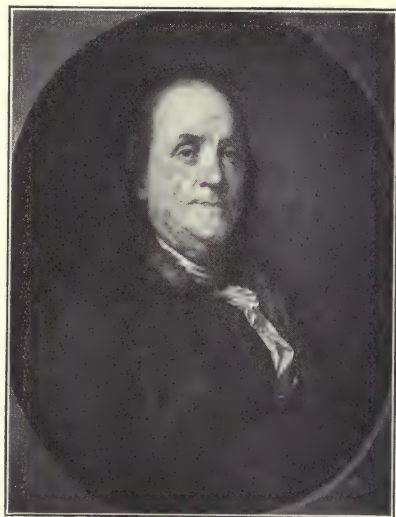
Hamilton held, perhaps, the most extreme ground against democracy. He "acknowledged himself not to think favorably of republican government. . . . He was sensible at the same time that it would be unwise [for the convention] to propose one of any other form. But in his *private* opinion, he had no scruple in declaring, supported as he was by the opinion of so many of the good and wise, that the British government was the best in the world, *and he doubted much whether anything short of it would do in America*." It was "the model to which we should approach as nearly as possible." The House of Lords he styled "a most noble institution," especially commending it as "*a permanent barrier against every pernicious innovation*."<sup>1</sup>

**339.** *Such statements went almost unchallenged.* Dissent, if expressed at all, cloaked itself in apologetic phrase. This was due to the unfortunate absence of a group of splendid figures

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<sup>1</sup> Hamilton then presented a detailed plan, which, he said, represented his own views of what was *desirable* in America:—an Executive *for life*, with extreme monarchic powers (including an *absolute veto*), chosen by *indirect election*; a Senate *for life*, chosen by *indirect election*; and a representative assembly chosen by *freeholders*; this government was to appoint the governors of the States, and, through them, to exercise an *absolute veto* upon all State legislation.

whom we might have expected to see in that gathering. Great as the Virginia delegation was, it might have been greater still, had it included Thomas Jefferson, Patrick Henry, Richard Henry Lee, or Thomas Paine; and it would no doubt have been well had Massachusetts sent Samuel Adams, or New York her great war-governor, George Clinton. Four or five of these democratic leaders would have given a different tone to the debates. As things were, every prominent patriot of Revolutionary fame, *on the conservative side*, was present, except John Adams and John Jay; but the lonely representatives of democracy were George Mason and the aged and gentle Franklin. And even Mason "admitted that we had been too democratic," though he was fearful the Convention was going to the other extreme.<sup>1</sup>



BENJAMIN FRANKLIN. From the portrait painted by Duplessis, during Franklin's residence in France, a few years before the Convention; now owned by the Boston Athenæum and loaned to the Boston Museum of Fine Arts.

**340. The Convention had many conflicting interests.** It contained Nationalists and State-sovereignty men, "Northerners" and "Southerners," commercial interests and agricultural interests, advocates of extending slavery and friends of restricting slavery. *These various lines were so intertangled as to prevent definite "parties."* It is convenient to speak of a "large-State party" and "a small-State party"; but the men

<sup>1</sup> Cf. Mason's letter to his son in *Source Book*, No. 155. See also *Ib.*, Nos. 157, 162, 163.

who divided in this particular way on one great question found themselves in quite different combinations on almost every other problem.

No praise is too high for the patience and "sweet reasonableness" (failing only with a few individuals and on rare occasions) with which on all these matters the great statesmen of that memorable assembly strove first to convince one another, and, failing that, to find a rational compromise.

**341.** High praise, too, is due their profound aversion to mere theory, their instinctive preference for that which had been *proven* good. Mr. Gladstone once said: "As the British constitution is the most subtle organism which has *proceeded from progressive history*, so the American constitution is the most wonderful work ever *struck off at a given moment* by the hand and purpose of man." This sentence has helped to spread the idea that the Philadelphia Convention invented a whole set of new institutions. Such an impression is mistaken. Practically every piece of political machinery in the Constitution was taken from the familiar workings of State constitutions.

**342.** Some months before the meeting, Madison had drawn up several propositions concerning a new government, in letters to Jefferson and Washington. The Virginia delegates were the first to arrive at Philadelphia. While they waited for others, they caucused daily, formulating these suggestions of Madison's into **the Virginia Plan**. May 29, this plan was presented to the Convention by Randolph in a brilliant speech.

The plan provided for a two-House legislature. The lower House was to be chosen *by the people* and was to be apportioned among the States in proportion to population *or* wealth (so that Virginia, Pennsylvania, and Massachusetts each would have sixteen or seventeen delegates to one from Delaware or Rhode Island). The upper House was to be chosen *by the lower*. There was no provision for equality of the States in either branch of the legislature, and no security that a small State would have any part at all in the upper House. As to power, this central legislature was *to fix its own limits*. And it

was to have an *absolute veto upon any State legislation* which it thought inconsistent with its own laws.

*This plan would have left the States hardly more than convenient administrative districts, and would have created a government more like that of modern France than like that of the present United States.*<sup>1</sup>

[The following section is intended for convenient reference. Students are not expected to remember details.]

**343.** The further procedure had seven periods.

a. For two weeks, in committee of the whole,<sup>2</sup> the Randolph resolutions were debated, clause by clause. Then came an interruption. So far, the large States, in favor of real national union, had had things their own way; but at last the small-State delegates had united upon the *New Jersey Plan*, which was now presented to the Convention by Patterson.

The Virginia Plan substituted a new constitution for the old one. The New Jersey Plan would merely have *amended* the old Confederation in some particulars. It would have given Congress power to impose tariffs and to use force against a delinquent State; and it designed a true executive and an imposing federal judiciary.

b. The committee of the whole gave another week to comparing the two plans. Then, by a decisive vote, it set aside the new proposals and returned to the Virginia Plan as the basis for further work.

c. From June 19 to July 26 nineteen resolutions based on the Virginia Plan, and adopted in Committee, were considered again, in formal Convention, clause by clause. Midway in

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<sup>1</sup> This and the New Jersey Plan are given in full in the *Source Book*.

<sup>2</sup> Legislatures and conventions go into "committee of the whole" to secure greater freedom of debate (and sometimes more secrecy in voting) than the usual rules permit in regular session. When the committee votes "to rise," the regular presiding officer resumes the chair, and the chairman of the committee reports. (Usually the votes and debates are not entered in the official record, but only this report of the result.) The assembly then takes up the report, as it would that of any other committee, for discussion and action; but the real fate of legislative measures and the most important amendments and debates come commonly "in committee."

this period came the great crisis, when day by day the Convention tottered on the brink of disruption in the contest between large and small States. That calamity was finally averted by the *Connecticut Compromise* (§ 344).

d. The Convention then adjourned for eleven days, while the conclusions so far agreed upon were put into the form of a constitution, in Articles and Sections, by a *Committee of Detail*.

e. From August 6 to September 10, the Convention considered this draft of a constitution, section by section.

f. Next, a Committee of Revision (often referred to as the "Committee on Style") redrafted the Constitution according to the latest conclusions of the Convention. To *Gouverneur Morris*, chairman of this committee, we owe in large degree the admirable arrangement and clear wording of the document.

g. Once more the Convention reviewed its work in this new form (September 12-17). This time few changes were made; and September 17 the Constitution in its final form was signed by thirty-nine delegates, representing twelve States.

Thirteen of the fifty-five delegates had left; and three of those present (Randolph, Mason, and Gerry) refused to sign. Randolph afterwards urged ratification in Virginia, but Mason and Gerry remained earnest opponents of ratification. In July, Mason had said that it could not be more inconvenient for any gentleman to remain absent from his private affairs than it was for him; but he would "bury his bones in this city rather than expose his country to the consequences of a dissolution without anything being done." On August 31, however, he exclaimed that he "would sooner chop off his right hand than put it to the Constitution as it now stands." (His "Objections" are in the *Source Book*, Nos. 162, 163.)

## CHAPTER XXX

### THE CONSTITUTION

[ *This chapter should be discussed with books open.* ]

**344.** EARLY in the debates, the Connecticut delegates (*Roger Sherman, Oliver Ellsworth, and William Johnson*) had proposed a compromise between the Virginia and the New Jersey plans: i.e. that the lower House of the legislature should represent the people, and that the upper House should represent States, each State having there an equal vote. When feeling ran highest between the large-State and small-State parties (§ 343, c), this proposal was renewed with effect.

The debate had grown violent. The small-State delegates served notice that they would not submit to the Virginia Plan. A large-State delegate threatened that if not persuasion, then the sword, should unite the States. Small-State men retorted bitterly that they would seek European protection, if needful, against such coercion (*Source Book*, No. 161).

Each State had one vote. Virginia, Pennsylvania, and Massachusetts were the true "large States"; but with them, on this issue, were ranged North Carolina, South Carolina, and Georgia. New Jersey, New York,<sup>1</sup> Delaware, Maryland, and Connecticut comprised the "small-State party." Rhode Island never appointed delegates, and the New Hampshire representatives were not on the ground until July 23, after this question had been settled. Had these two States taken part, the "small States" would have controlled the Convention from the first, and no important result could have been secured.

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<sup>1</sup> New York was then little more than the valley of the Hudson. Hamilton, delegate from that State, was an extreme centralizer; but he was outvoted always by his two colleagues. In the height of this debate, those gentlemen seceded from the Convention. After that, New York had no vote whatever, since the legislature had provided that the State should not be represented by less than two of the three delegates. Partly for this reason, Hamilton had little influence upon the work of the Convention.

The critical vote came July 2, after a week's strenuous debate. The first ten States to vote stood five to five. If either party won, the other was likely to organize a separate convention. Georgia was still to vote; and one of her two delegates voted on the small-State side (against his own convictions), so *as to throw away the vote of his State and leave the result a tie.*

This gave time for reflection. Said Roger Sherman, "We are now at full stop, and nobody [he supposed] meant that we should break up without doing something." In the desultory discussion that followed, several members suggested *a committee* to devise some compromise. Finally, the matter was referred to a Committee of Eleven, one from each State present. *The moderate men won their victory in selecting the members of this committee.* The most uncompromising men in this dispute had been the great leaders from Virginia, Pennsylvania, and Massachusetts, — Madison and Randolph, Wilson and Gouverneur Morris, and Rufus King. Desperate as the case stood, Madison and Wilson spoke against referring the question to a committee at all. Properly enough, *these men were all left off the committee*, the places from their States being filled by those of their colleagues *most in sympathy with small-State views*, — Mason, Franklin, and Gerry.

July 5, the committee reported once more the Connecticut Compromise. Large-State leaders were still opposed; but, after ten days more of debate, the plan carried.

**345.** This "First Great Compromise of the Constitution" has made our government partly national, partly federal. Each citizen of the United States is subject, *directly*, to two distinct authorities, — the National<sup>1</sup> government and a State government. The National government acts directly upon him, *but only within a prescribed field.* Elsewhere the State retains *complete authority*, — as supreme within its domain as the Central government in its. Neither government has any right to trespass on the field of the other.

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<sup>1</sup> For the use of this word here, see Exercise at the close of chapter xxxi.

**346.** The Constitution tried to mark off the two fields from one another by three devices: (1) by "enumerating," in eighteen paragraphs (Art. I, sec. 8) the powers given to Congress; (2) by forbidding certain powers to the States (Art. I, sec. 10); and (3) by providing (expressly in the tenth amendment, and by implication throughout) that powers not granted to the Central government are reserved to the States. It is customary, therefore, to call our government "*a government of enumerated powers.*"

The Virginia Plan contained no enumeration; and when such a device was suggested in debate, it was always postponed as impracticable. The New Jersey Plan did contain a brief enumeration of important powers; and a longer one was included in a plan presented early in the debates by Pinckney. Both these plans were referred to the Committee of Detail. Moreover, Sherman, speaking for the small states, had presented a detailed enumeration, of which we have no copy; and Ellsworth, Sherman's colleague and admirer, was on the committee. The report of that committee contained the enumeration much as we have it to-day.

The enumerated powers are vast. They include sole control over foreign relations (with the making of peace and war, and maintaining armies and navies); and, in domestic matters, the control of naturalization, coinage and weights and measures, the post office and postal service, copyrights and patents, commerce between citizens living in different States, and taxation *so far as needful to enable the Government to care for all these duties.*

*Still, these powers touch our daily life less closely and less vitally than do the powers reserved to the States.* The State regulates the franchise (indirectly, even the Federal franchise<sup>1</sup>), marriage and divorce and all family relations, inheritance, education, all property and industrial conditions (except those that may be connected with interstate commerce), and all criminal law, as well as the powers of towns, counties, and other local units.

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<sup>1</sup> Except as certain provisions have been put beyond the control of either State or Congress by the Fifteenth Amendment.

**347.** In a federal government there is inevitably a constant contest between the advocates of stronger central control and the upholders of the rights of the States. In power, either party is apt to seek to extend the province of the government. In opposition, the same party appeals to States rights, to restrict a power which seems dangerous in the hands of opponents.

The party anxious to limit the Central government has always sought to restrict it closely to the "Enumerated powers." Its opponents have met this war cry with the shibboleth, "**Implied powers.**" Under cover of this phrase a vast development of National power has taken place. Thus the Constitution gave Congress power to regulate interstate commerce. To the men of that day, that power meant only authority to prevent one State from setting up barriers against another's commerce. Under the same phrase to-day Congress regulates railroad freight rates on commerce, adulteration of foods (character of goods carried in this commerce), and hours of child labor employed in making articles of commerce.

This expansion of National authority is essential to our well-being. The States are no longer competent to manage these *common* interests. Steam and electricity, and intimate trade relations, make many matters fit subjects for National control now which were better off in the hands of the States a hundred years ago. It would be better, no doubt, to give such powers distinctly to the Central government by adding them to the enumeration of powers; but our Constitution makes such amendment exceedingly difficult, and so it is fortunate that we can meet new needs as they arise by even this dangerous process of "forced construction" at the hands of Congress and the Supreme Court.<sup>1</sup>

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<sup>1</sup> "They [the men of the Philadelphia Convention] foresaw that their work would need to be elucidated by judicial commentary; but they were far from conjecturing the *enormous strain* to which some of their expressions would be subjected in the effort to apply them to new facts. . . . The Americans have more than once *bent* their constitution, that they might not be forced to *break it*." — JAMES BRYCE, *American Commonwealth*.

**348.** In expanding “implied powers,” two expressions in the Constitution have been especially appealed to, — the “general welfare” clause, and the “necessary and proper” clause.

a. The words “to provide for the general welfare” occur twice, — once in the preamble, once in the first paragraph of the enumeration of powers. In the preamble the clause could not convey power; and, moreover, in that connection, the words are taken from a similar passage in the old Articles of Confederation. In the other passage (Art. I, sec. 8), paragraphing and punctuation show beyond reasonable dispute that “to . . . provide for the general welfare” is not an independent grant of power, coördinate with “to lay taxes,” or “to coin money.” The infinitive “to . . . provide” is merely *adverbial*, restricting the meaning of the preceding infinitive “to lay . . . taxes.” This, too, is the decision of the Supreme Court (Chief Justice Marshall, in *Gibbons vs. Ogden*).

Originally, as reported by the Committee on Detail, the passage read merely, “To lay and collect taxes, duties, imposts, and excises.” Some two weeks later (August 22), another committee suggested that this *unlimited* taxing power be *restricted* by adding the words “*for the payment of the debts and necessary expenses of the United States.*” The Committee on Style altered the form from a prepositional to an infinitive phrase, with a slight change of wording.

b. In “necessary and proper,” “necessary” would at first seem to be the stronger word. Why is “proper” added? Does the passage mean that a power should not be used, even if necessary, unless also proper? Or does “necessary” mean merely *convenient*? The latter interpretation has been adopted by the courts. *This phrase is the true basis for the growth of the doctrine of implied powers.*<sup>1</sup>

**349.** The Convention decided without great trouble that in the first Congress the *Representatives* should be divided among the thirteen States in proportion to their population; but **Morris**

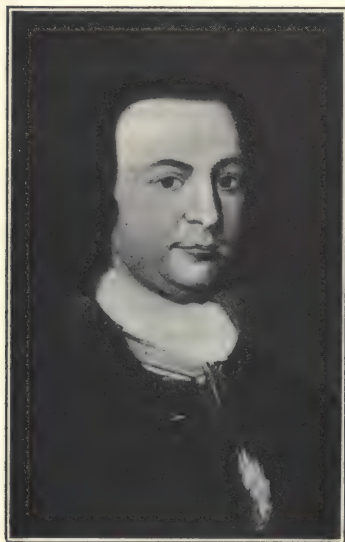
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<sup>1</sup> Among the opponents of the Constitution, Mason and Gerry alone saw the possibilities of this phrase (*Source Book*, No. 162).

and the New Englanders struggled to prevent the adoption of proportional representation as a *permanent* principle. After the government should once have been instituted, argued Morris, let Congress provide for reapportionment (or refuse to provide it) as it might think best from time to time. His purpose, he stated frankly, was to prevent any true reapportionment so far as would concern new States from the West. "The new States will know less of the public interest," said he, and "will not

be able to furnish men equally enlightened." Even in the old States, he added, "the back members [western members] are always the most averse to the best measures." Several other delegates urged that *the total representation from new States ought never to exceed that from the original thirteen.*

The Virginia delegation stood forth as the champions of the West. Mason argued unanswerably that both justice and policy demanded that new States "*be treated as equals, and subjected to no degrading discriminations.*" This view prevailed. On motion of Randolph, *the Constitution itself provides for a census, and for reapportionment, every tenth year.*



GEORGE MASON. From a picture in Winsor's *Narrative and Critical History*, based upon a portrait.

**350.** Another sectional quarrel grew out of this question of apportionment. The South wanted slaves to count as men. Many Northern members were vehemently opposed to this, both because of a rising sentiment against slavery, and because they feared an undue weight for the South in Congress. The outcome was the "**Second Great Compromise,**" — *the three fifths*

*ratio*, so that five slaves<sup>1</sup> should count as three free persons in fixing the number of Representatives from a State.

**351. The "Third Great Compromise,"** also, was concerned with slavery. New England wished Congress to have power over commerce, so that it might encourage American shipping against foreign competition. The South feared that Congress, with this power, might tax the great Southern *exports*, cotton, rice, and tobacco, or even prevent further *importation* of slaves. Finally Congress was given power to regulate commerce, providing, however, (1) that it should not tax exports; and (2) that it should not forbid the importation of slaves for twenty years.<sup>2</sup>

**352. The Judiciary** has been called fitly "*that part of our government on which the rest hinges.*" (1) It decides controversies between States, and between State and Nation. (2) It even over-rides Congress. (3) Its life tenure makes it independent of control.

*a. A final arbiter* was needed somewhere, in case of conflict between State and Nation. The Virginia Plan gave the decision to the *Federal legislature* (§ 342). The New Jersey Plan gave it to the *State judiciaries*. It was finally placed in the Federal judiciary by a provision for appeals from State courts.

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<sup>1</sup> The Constitution recognized slavery in several passages, but it carefully avoided using the word.

<sup>2</sup> Georgia and South Carolina felt that they must have more slaves to develop their rice swamps, and made it clear that they would not come into the Union unless their interests in this matter were guarded. Virginia, Delaware, and Maryland (and North Carolina in part) had already prohibited the foreign slave trade by State laws. The most powerful advocate of national prohibition upon the trade was George Mason, a great Virginia slaveholder. He pointed out the futility of State restrictions, if the great Northwest was to be filled with slaves through the ports of South Carolina and Georgia, and he argued therefore that the matter concerned not those States alone. "Slavery," he continued, "discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of Whites, who really strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. *As nations cannot be punished in the next world, they must be in this.*"

This provision was "the sleeping lion of the Constitution." Its importance seems not to have been fully understood at the time, even in the Convention.<sup>1</sup> Had its bearing been comprehended by the people of the country, the Constitution would almost certainly have failed of ratification.

*b. The power to declare an Act of Congress void* does not come from any express provision of the Constitution. It is based upon *judicial custom* in England and America. Centuries before, in conflicts between king and parliament, English courts had *sometimes* claimed the right to say which authority should prevail. This rare power of the English judiciary had now virtually disappeared, because the English Revolution of 1688 had done away with such conflicts. Throughout colonial times, however, the English privy council, acting as a court of appeal, had voided Acts of colonial legislatures which it thought in conflict with charters or with English laws. As soon as the colonies became States, the State courts assumed the like right to decide between State legislation and more fundamental law (a State constitution, or an ancient principle of the Common law).

*Such cases had been very rare*; <sup>2</sup> and outside the lawyer class, the people resented the practice bitterly. Even within the Convention, some members disliked it; but they understood clearly that the Federal courts *would* test Federal legislation by comparing it with the Constitution, and would void such acts as were "plainly" unconstitutional.

Since that time, however, *the power has been extended*, both by

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<sup>1</sup> For the history of the clause, see West's *American History and Government*, § 207.

<sup>2</sup> In New Jersey, in 1780, the highest court declared an act of the legislature void because inconsistent with the State Constitution ("Holmes vs. Walton") and three of the New Jersey delegates at Philadelphia had been connected with the case, on the bench or as counsel. There was a like decision in Virginia in 1782, and an opinion to the same effect from the North Carolina court just as the Philadelphia Convention was gathering. The Rhode Island case has been described (§ 327). *These seem to be the only instances from 1776 to 1787.* But in one year recently (1906) 101 State laws were declared unconstitutional by supreme courts, State or Federal.

Federal and State courts, *to a degree undreamed in 1787 by its most ardent champions*.<sup>1</sup> Especially has this been true of the Federal Supreme Court, which, because of its life tenure, has been more independent of public opinion than State Courts have been. Through this development, *the Supreme Court has become* not merely the "guardian" of the Constitution, but also the chief "amender" of the Constitution.

c. *Life tenure*. Hamilton and his group failed to get life tenure for President and Senate; but they did get it for the judiciary. In early English history, the judges had been removable at the king's pleasure. The Stuart tyrants abused this power and debased the courts into servile tools. Therefore the English Revolution (1688) provided that judges should be removed only "*on address*." That is, a judge held for life, unless two thirds of parliament voted that he should be removed. For such vote, however, *no formal trial* was necessary, *nor even formal charges* of wrongdoing. *English courts were made dependent upon the approval of parliament*.

But the Federal Constitution gave the courts a tenure *more independent than had ever been known in England*. Federal judges hold "during good behavior," and can be removed, not by address, but *only by impeachment*, — i.e. conviction for "*treason, bribery, or other high crime or misdemeanor*," by a *two-thirds vote* of the Senate, *after legal trial upon specific charges*. Without affording any opening for such charges, the judiciary may thwart the popular will and the will of every other branch of the government for years.

In the *Federalist*, Hamilton argued that in giving judges tenure for life, the Constitution merely followed the laudable practice of England, whose courts were recognized as models for learning and impartiality. This argument took no account of the tremendous difference between removal "on address" and removal only on "impeachment." In England the courts had been made independent of the irresponsible monarch, *but only by bringing them into close dependence upon the popular branch of the*

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<sup>1</sup> This peculiar American power of the courts is not a necessary accompaniment of a written constitution. It is not found in any of the European republics with written constitutions.

*government.* In America, as Jefferson said, "we have made them independent of the nation itself."

**353.** The men of the Convention meant to establish a true electoral college to choose the President. They thought they had done so; and they prided themselves particularly upon this part of their work. They supposed there would be chosen in each State a select body of men, of high social standing and large property, and that these several bodies would choose a chief executive after calm deliberation.

But the growth of sentiment for popular government, *together with the development of party nominations* (§ 390), has made the electoral college obsolete. The form, indeed, survives. Technically each "elector" is still at liberty to vote his private choice for President and to change his mind, before voting, as often as he likes. But, in reality, each "elector" is chosen to vote for a particular candidate; and unwritten law makes it impossible for him to think of doing otherwise. The "electors" have been transformed into "mere letter carriers." The voter rarely reads their names on the tickets.

**354.** Eighteenth century liberals believed in "*checks and balances*" in government. In England, before the year 1400, centuries of struggle against an irresponsible monarchy had built into the "constitution" a system of reciprocal checks. No one part of the government—king, lords, or commons—could do anything of consequence against the determined opposition of any other part. This elaborate system of balances had been a victory for freedom; and it came to be looked upon as a *necessary* feature of free government. After the publication of Blackstone's law writings (1770), the "separation of powers" (*i.e.* the reciprocal independence of executive, legislative, and judicial departments) became almost an axiom in English political thought.<sup>1</sup>

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<sup>1</sup> Nearly two thousand years before, Aristotle had argued for such a "separation," as a defense against tyranny. In 1748, the French writer, Montesquieu, in *The Spirit of Laws*, gave the doctrine wide popularity. For a curious attempt to apply the principle in France, cf. *Modern World*, § 598.

In reality, however, as we can now see, English *practice* by 1787 was already a century ahead of the doctrine. The Revolution of 1688 had made the popular branch of the government supreme, except for a modified veto by the Lords. The system of "checks" had practically disappeared in England (in favor of a truer democracy), when it was adopted, in most elaborate form, in this American Constitution. Moreover, *while in England it had been originally devised as a protection against an arbitrary monarch, it was adopted in America mainly as a protection against a "turbulent people."*

The "balances" in the Constitution have sometimes usefully made for stability, but they have also often produced harmful deadlocks. When the people, after a long campaign, have deliberately chosen a House of Representatives to carry out their settled policy, they often have to wait two years to get around a Presidential veto, and perhaps two years or four years more before they have a chance to change a hostile hold-over majority in the Senate. Even then, a Supreme Court, by a vote perhaps of five to four, may nullify the popular will for a generation longer. And all this says nothing of the almost insuperable difficulty of amending the Constitution itself, when the Nation may wish to change some provision in that ancient document devised by men of other times and designed for other conditions than those of our day.

**355.** Repeatedly the Convention refused to entertain a motion for a bill of rights for men;<sup>1</sup> but, besides the guardianship for wealth expected from Senate, President, and Supreme Court, it inserted **two express provisions to shield property.** (1) *Even the Federal government* can take private property only "by due process of law," — *i.e.* through the decision of a court after judicial trial; and (2) *the States* are forbidden to pass any law "impairing the obligation of contracts." By reason of these clauses, says President Hadley of Yale, *property interests in America are "in a stronger position against any*

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<sup>1</sup> Articles IV and VI of the Constitution, it is true, do contain some essential provisions of a bill of rights, — the strict definition of treason as compared with the meaning of that term in many other countries; the prohibition against *ex post facto* laws and bills of attainder; and the restriction upon suspension of the writ of habeas corpus.

*attempt at government control" than they are in any European country.* (In *The Independent*, April 16, 1908.)

President Hadley points out that the first provision has resulted in "preventing a majority of the voters, acting in the legislature or through the courts (the convenient European methods), from correcting evils in railroad building or factory operation *until the stockholders or owners have had opportunity to have the case tried in the courts*"; and, as the same article makes plain, the courts have usually been inclined to favor the vested property interests.

The pernicious results of the second provision could not well have been foreseen. They have come about through a remarkable decision of the Supreme Court (the Dartmouth College Case, 1819), extending the meaning of the word "contract" to include even the *grants* of privilege and power *made by a State itself* to public-service corporations. As a consequence, many such corporations have been inviolably intrenched, for an indefinite period,<sup>1</sup> in special privileges which they got from corrupt legislatures and for which they give no fit return to society.

In the hundred years from 1803 to 1903, the Supreme Court declared two hundred State laws unconstitutional. Fifty-seven of these were voided on the ground that they impaired the obligation of some "contract." Most of these had aimed solely at needful regulation of great corporations in the interest of social well-being, — such legislation as is common in European democracies like England or France or Switzerland.

**356.** The Convention would have liked a much more aristocratic Constitution; but the members saw that if the Constitution were clearly less democratic than a given State constitution, it would be hard to secure ratification in that

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<sup>1</sup> According to the spirit of this decision, unless the State has limited the lifetime of a grant, or has expressly reserved its own right to change the grant at will, the grant runs *forever*. In recent years, the States have in great measure guarded themselves against such danger *for the future* by *expressly* reserving their right to modify all such grants. A recent amendment to the constitution of Wisconsin runs: "All acts [dealing with corporations] may be altered and repealed by the legislature *at any time*." This provision, now, is a part of the "contract" when the Wisconsin legislature grants a franchise.

State. It was not going to be easy to get States enough at best. And so we owe such democratic character as the Constitution has, in great degree, to the relatively unknown men, who, ten years before, framed the Revolutionary State constitutions.

This was shown in the *settlement of the franchise*. The House of Representatives was the only part of the government left to be chosen directly by "the people." But who were "the people" in this political sense? Hamilton, Morris, and Dickinson strove earnestly to limit the franchise to freeholders, — so as to exclude "those multitudes without property *and without principle*, with whom our country, like all others, will, in time, abound."<sup>1</sup> Even Madison expressed himself as theoretically in favor of such restriction, fearing that a propertyless majority would either plunder the rich or become the tools of an aristocracy. Franklin argued vigorously against the restriction, urging the educational value of the franchise for the masses; and George Mason, in the language of his bill of rights of 1776, declared, "The true idea is that every man having evidence of attachment to the community, and permanent common interest with it, ought to share in all its rights and privileges."<sup>2</sup> But the defeat of the restriction was due not to these lonely champions, but to the reminder that in more than half the States the State franchise was already wider than landholding, and that no voter could be expected to favor a Constitution that would disfranchise him in the Federal government. The provision finally adopted, therefore, aimed to keep the franchise as restricted as was compatible with probable ratification. The Federal franchise was to be no wider in any State than the State franchise in that State.

*This arrangement has worked, unexpectedly, for democracy. The States, acting one by one, modified their constitutions in the direction of democracy faster than one great unit like the Nation could have done; and as any State extended its own franchise, so far it extended also the Federal franchise.*

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<sup>1</sup> These words are Dickinson's, but the sentiment was general.

<sup>2</sup> Cf. *Source Book*, No. 136, and comment.

## CHAPTER XXXI

### RATIFICATION

**357.** The “two critical decisions” of the Convention were: (1) *to substitute* a new plan of government,—instead of trying merely to “patch up” the old constitution; and (2) *to put that new government into operation when it should be accepted by nine States*, without waiting for *all* of them.

The last decision was directly contrary to instructions from the State legislatures which had appointed the delegates. It was also in conflict with a specific provision in the Articles of Confederation,—to which the States had solemnly pledged “their sacred faith” (§§ 330, 331, c). But men had come to see that America must either strangle in the grip of the old constitution, or she must break its bonds. Constitutional remedy had proved impossible. Wisely and patriotically the Convention recommended an *unconstitutional* remedy, and the country adopted it. *The ratification of the Constitution was a peaceful revolution.* A friendly looker-on wrote:—

“Here, too, I saw some pretty shows: a revolution without blows:

For, as I understood the cunning elves, the people all revolted from themselves.”

**358.** When Congress received the Constitution, it recommended the State legislatures to call State conventions to accept or reject it. The contest was now transferred from Philadelphia to the country at large, and **in every State men divided into parties.** The advocates of the “new roof” shrewdly took to themselves the name *Federalists*,<sup>1</sup> instead of

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<sup>1</sup> Luther Martin of Maryland was one of the delegates who withdrew from the Philadelphia Convention toward its close. In a letter to his legislature, justifying his action, he explains that the Convention had voted down a resolution for a “federal” form of government and instead had adopted a resolu-

the unpopular term Nationalists, and so left to their opponents only the weak appellation *Antifederalists*. A torrent of pamphlets and newspaper articles issued from the press,<sup>1</sup> and every crossroads was a stage for vehement oratory.

**359. The proposed Constitution was attacked** partly for its encroachments on the States, partly **for its undemocratic features**. Opponents pointed to the absence of a bill of rights, and to the infrequency of elections, and to the vast powers of the President and Senate (parts of the government remote from popular control). George Mason asserted that such a Constitution "must end either in monarchy or tyrannical aristocracy"; and a sarcastic democrat, claiming to be a Turk, praised the Constitution for "its resemblance to our much admired Sublime Porte."

*The real source of apprehension*, however, *was* not any specific provision in the document so much as a *vague distrust of the aristocratic Convention*.<sup>2</sup> Many people believed sincerely that the meeting at Philadelphia had been a "deep and dark *conspiracy* against the liberties of a free people." Thus "John Humble" ironically exhorted his fellow "low-born," dutifully to allow the few "well-born" to set up their "Divine Constitution" and rule the country.

**360. Still both parties had to admit the seriousness of the existing situation.** The Antifederalists had no remedy to propose. The Federalists offered one for which they claimed no peculiar

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tion for a "national government": "Afterwards the word 'national' was struck out by them, because they thought the word might tend to alarm; and although now they who advocate this system pretend to call themselves *federalists*, in Convention the distinction was quite the reverse. Those who opposed the system were there considered and styled the *federal party*, those who advocated it, the *antifederal*." — ELLIOT'S *Debates*, I, 362.

<sup>1</sup> One set of such essays appeared week after week in New York papers under the title *The Federalist*. They were written by Hamilton, Madison, and Jay, and were soon republished in book form. They remain the most famous commentary on the Constitution.

<sup>2</sup> Cf. *Source Book*, No. 160, for the large proportion of delegates at Philadelphia who seem to have had little special qualification except that they were "gentlemen of good birth and large fortune." And cf. also No. 152.

excellence, but which, they urged, did offer escape from anarchy,—probably the only escape likely to be available. Under such pressure, many a flaming Antifederalist, elected to a State convention expressly to reject the Constitution, came over to its support.<sup>1</sup>

**361. The Constitution was sent forth September 17, 1787.** A strenuous nine-months' campaign brought it a bare victory. Organized and ready, *the Federalists at first carried all before them*, securing ratification during December and January in Delaware, New Jersey, Georgia, Connecticut, and, after a bitter struggle, in Pennsylvania. Somewhat later, Maryland and South Carolina were added to the list.

*The remaining States long remained doubtful or opposed.* North Carolina and Rhode Island refused to ratify. They could be spared,—as perhaps New Hampshire could have been;<sup>2</sup> but a failure in Massachusetts, New York, or Virginia would almost surely have queered the whole movement. In all three of these States (as probably in most of the others) a direct vote of the people would certainly have rejected the Constitution.<sup>3</sup> Even in the conventions, there was at first a strong hostile majority in each of these three; and, after the many weeks of argument and persuasion, to have defeated ratification would have required in the final vote a change in Massachusetts of only 10 votes out of 355; in Virginia, of only 5 out of 168; and in New York, of 2 out of 57. And the slim majorities for the Constitution were obtained only by pledges

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<sup>1</sup> More personal arguments were not neglected. In Massachusetts the Federalists brought over Hancock by promising him a reelection as governor and perhaps implying that he should be the first Vice-President of the new government (*Source Book*, No. 164).

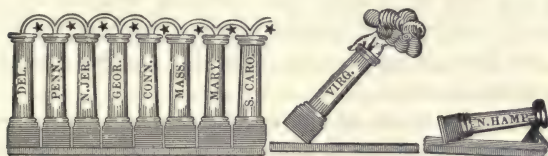
<sup>2</sup> In New Hampshire a hostile convention had adjourned for some months.

<sup>3</sup> The Rhode Island legislature, instead of calling a convention, distributed copies of the Constitution among the voters and provided for a direct popular vote. The Federalists, certain of defeat, declaimed against this method as improper, and remained away from the polls. The vote stood 2708 to 232. Two years later, a convention accepted the Constitution 34 to 32. In general, the commercial centers favored the Constitution, while the agricultural and western sections opposed it.

from the Federalists that they would join in getting certain desired amendments as soon as the new government should be in operation.

The New Hampshire convention changed its mind, and ratified on June 15, 1788 (making the ninth State); but the absolutely essential accession of Virginia did not take place

Eighth Federal PILLAR reared



From the *Boston Independent Chronicle*, June 12, 1788.<sup>1</sup>

until June 25, — just in time for the news to reach the North for the Fourth of July celebrations.<sup>2</sup> New York's ratification came later.

[*The rest of this chapter is to be talked over by the class with books open.*]

**362. Excursus: "We the People."** — Who ratified the Constitution? The several States, as States? Or one consolidated people?

The second view rests wholly on the opening words of the preamble: "We, the people of the United States . . . do ordain and establish this constitution." Merely as language, these

<sup>1</sup> The *Chronicle* guessed wrong as to the order of the approaching ratification. See text.

<sup>2</sup> At Albany, on the Fourth, the news caused the wildest excitement. The Federalists celebrated by firing ten guns for the new government. The Antis retorted with thirteen guns for the Confederation, which, they claimed, was still the constitutional government. Afterwards, they made a bonfire of a copy of the new Constitution and of the handbills announcing Virginia's ratification. In the ashes, the rallied Federalists planted a lofty pole with another copy of the Constitution nailed to the top, and in the riot that followed, knives were used and some blood was shed. In Pennsylvania more serious riots took place, — if less picturesque, — with participation by militia and cannon.

words have no more value than the Fifth Article of the Constitution, which says twice that the ratifying parties are the States: and such slight significance as the preamble might otherwise have, disappears upon tracing its history.

The preamble appeared first in the report of the Committee of Detail; but it then read "We, the people of the *States of New Hampshire, Massachusetts, Rhode Island* [and so on through the list] do ordain," etc. Plainly, this did not mean a consolidated nation. It meant thirteen peoples, each acting *directly, not through legislatures*. The Convention accepted this wording *without debate*.

Almost at the close of the Convention, the Committee on Style changed the words to their present form. No explanation was ever made by a member of the Convention for the change, but it explains itself. *The Convention had now decided to put the new government into operation between the first nine States ratifying*. It was impossible to name these in advance, and it would be highly improper to name any which might not come in; **so all names were dropped out**. *No change of meaning was designed. The new form, like the first, was accepted without debate*.

Outside the Convention, however, this was at first not understood; and States-rights men feared that the wording did mean a consolidated people, — until Madison assured them that it did not. Samuel Adams wrote to Richard Henry Lee, "I stumble at the threshold." And in the Virginia Convention, Patrick Henry exclaimed, — "What right had they to say, 'We, the people' . . . instead of 'We, the States'?" If the States be not the parties to this compact, it must be one great consolidated national government of the people of all the States."

Madison answered: "Who are the parties? The people;<sup>1</sup>

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<sup>1</sup> The writer once heard a Federal judge, in a public address, quote this far, *and stop here*, to prove that Madison taught the doctrine of ratification by a consolidated nation. Horace Greeley's *Great American Conflict* (I, 81) contains a similar misrepresentation of the record. After quoting Henry's objections, with specific page reference to the records of the Virginia con-

*but not the people as composing one great body: the people as composing thirteen sovereignties.*” Otherwise, he adds in proof, a majority would bind all the States; “but, sir, no State is bound, as it is, without its own consent.” And he went on to explain that the words mean only that *in each State* the people were to act in the most solemn way, not merely through the usual legislative channel.

Madison amplified this last thought in the *Federalist* (No. 39): Ratification “is to be given by the people, *not as individuals*, but as composing the distinct and independent States to which they respectively belong. It is the assent and ratification of *the several States, derived from the Supreme authority in each State*, — the authority of the people themselves [not merely from the subordinate authority of the State legislature] . . . Each State, in ratifying the Constitution, is considered as *a sovereign body*, independent of all others, and only to be bound by its own voluntary act.”

This answer of Madison was final at the time. But thirty years later, the doctrine of ratification by a consolidated people was revived by Chief Justice Marshall. It was soon given added emphasis by the massive and patriotic oratory of Daniel Webster, and the idea took its place in the mind of the North as an essential article in the creed of patriotism. The plain historical fact, however, is that the thirteen States, looking upon themselves as thirteen distinct sovereignties, and feeling absolutely free either to accept or reject the Constitution, did decide to accept it,—and, *by so doing, made possible the future development of one nation*. Says William McDonald (*Jacksonian Democracy*, 109, 110):—

“Webster’s doctrine of ‘the people’ was a *glorious* fiction. It has entered into the warp and woof of our constitutional creed; but it was *fiction*, nevertheless. . . . *If anything is clear* in the history of the United

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vention, Greeley continues, *without* page reference of course, — “These cavilers were answered frankly and firmly, *It is the work of the people of the United States, as distinguished from the States in their primary and sovereign capacity, and why should not the fact be truly stated.*” Of course, this is “newspaper history.” That was the way Greeley thought Henry *ought* to have been answered. The answer actually given was the precise opposite.

States, it is that the Constitution was established by the *States*, acting through conventions authorized by the legislatures thereof, and *not by the people of the United States*, in any such sense as Webster had in mind." . . . No theory could have a slighter foundation.

FOR FURTHER READING. — The story of the struggle for a new constitution should be read if possible either in Fiske's *Critical Period* or in McLaughlin's *Confederation and Constitution* (chs. iii-vi and ix-xv).

EXERCISE. — *The constitution in the Appendix should be read in class and talked over at this stage.* Reread §§ 324, 330-332, on the weaknesses of the Articles of Confederation, and find in the Constitution the clauses that remedy each of those weaknesses.

The clever use of the word *federal* by the Nationalists has made much trouble for students. The *proper* name for our government and for its branches, down to the Civil War, is "Federal," not "National," — *Federal government, Federal judiciary*, and so on. But to guard against still more confusing errors, it seems necessary at times, even for the early period, to use the term *National*, as in § 345.

## PART VI

### FEDERALIST ORGANIZATION

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#### CHAPTER XXXII

##### GROWTH OF THE CONSTITUTION

**363.** SEPTEMBER 13, 1788, the dying Continental Congress provided for elections under the new Constitution. Nine States were present when that vote was taken. A week later, the attendance had sunk to six States. Thereafter, to keep up a shadow of government, a few delegates met day by day, had their names recorded in the journal, and then adjourned to some favorite tavern. Congress expired for want of a quorum seven months before the new government was organized.

**364.** The elections that made Washington President were very different from elections in a presidential campaign now. In six States — out of the ten<sup>1</sup> that took part — the *legislatures* chose the presidential electors. Pennsylvania, Maryland, and Virginia chose them by *popular vote, in districts*. Massachusetts used a quaint union of these two methods.<sup>2</sup> *In no State did the people elect directly, on one general ticket, as is almost always done to-day.*

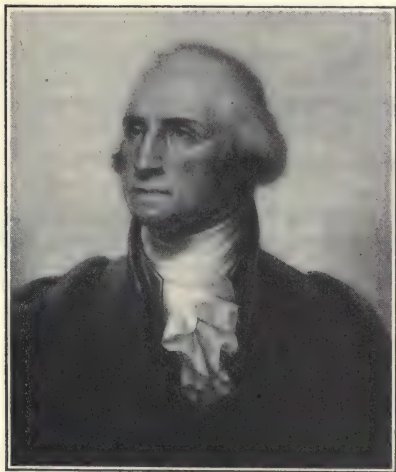
**365.** Two legislatures gave forceful illustrations of the bitterness of party spirit and of disregard of the people's will by "delegated" government. In elections by legislatures, custom

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<sup>1</sup> Account for the other three States — with the help of the section below.

<sup>2</sup> The people in each Congressional district *nominated* three electors, from whom the legislature *chose* one — with two more at large to make up the proper number.

favoured a *joint ballot* (the two Houses voting as one body); and this method was used without question in five States which chose electors by legislatures. But in *New Hampshire*, the upper House was Federalist, while the more numerous and more representative lower House was Antifederalist. The Senate insisted upon election by *concurrent vote* — as ordinary



GEORGE WASHINGTON. From a portrait by Peale, now in the Pennsylvania Academy, Philadelphia. Washington was president of the Federal Convention and exercised great influence in that body, though he made no formal speech in its sessions.

bills are passed — so that it might have a veto on the other House. The wrangle lasted for weeks. At the last moment, the *larger* House surrendered, and chose electors acceptable to the smaller one.

*In New York*, the situation was similar; but there the Antifederalist House refused to yield its right. So that State lost its vote.

**366.** There had been no formal nominations. Washington received the 69 votes cast for President. For Vice President there was no such agreement. Some of the Antifederalists hoped to elect George

Clinton of New York, Hamilton's chief adversary there; but the plan fell to pieces when New York failed to take part in the election. *Eleven* names were voted for by the 69 electors. *John Adams* was elected, but by only 34 votes, — *one less than half*.<sup>1</sup>

**367.** The Continental Congress had named **the first Wednesday in March** for the inauguration of the new government at

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<sup>1</sup> Such a vote would not elect to-day. Why did it then ?

New York City. On that day, however, only 8 Senators (out of 22) and 13 Representatives (out of 59) had arrived; and *the electoral votes could not be counted*. The two Houses met from day to day, for roll call, and sent occasional urgent entreaties to dilatory members in neighboring States; but not till almost five weeks later (April 6) was the necessary quorum secured. On April 30, Washington was inaugurated with great state and solemnity. It helps us to understand one reason for these delays when we remember that Washington, now nearly sixty years old, had to make the journey from Mount Vernon to New York *on horseback*.

**368.** For nearly three weeks, Congress wrangled over matters of ceremony. After solemn deliberation, the Senate recommended that Washington be styled "*His Highness, President of the United States of America and the Protector of the Liberties of the Same*." The more democratic Representatives insisted on giving only the title used in the Constitution — "President of the United States." Finally this House sent an address to Washington by this title; and the Senate had to lay aside its tinsel.

During the debate, one particularly quaint episode occurred. The Senate minutes referred to the speech with which Washington had "opened" Congress as "*His most gracious speech*." This was the form always used in the English parliament regarding the speech from the Throne. Senator Maclay objected to the phrase, and finally it was struck from the record. Vice President Adams, however, defended it hotly, declaring (according to Maclay) that if he could have foreseen such agitation, he "*would never have drawn his sword*" against England in the Revolution.

Maclay tells<sup>1</sup> us, too, that Adams (presiding in the Senate)

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<sup>1</sup> The *Journal of William Maclay* is a curious work which should be accessible to every student of this period. Maclay, from Pennsylvania, was one of the few democratic Senators. He was an honest, well-meaning, rather suspicious man, without breadth of view, or social graces, but with an ardent belief in popular government. He was no hero worshiper. John Adams (his

spoke forty minutes from the chair in opposition to the simple form of title for the President. "What," he exclaimed, "will the common people of other countries, what will the sailors and soldiers, say of 'George Washington, President of the United States'?" They will despise him to all eternity!"

Soon after, the struggle was renewed on the bill to establish the mint. It was proposed that each coin should bear the image of the President during whose administration it was coined — after the fashion of all royal coinage. A few radicals attacked this "disposition to ape monarchic practice," and the proposal was dropped, in favor of the use of an emblematic "Goddess of Liberty."

It has been too much the custom to ridicule the objectors to these "harmless" forms and titles in this *critical struggle for simplicity*. The titles were "harmless"; but the spirit in which they were demanded was not. That spirit was quite as violent and ridiculous as was the democratic opposition to it. The aristocrats believed that government ought to be hedged about with ceremonial to secure due reverence from its "*subjects*." It is easy to find matter for laughter in some acts of the democratic opposition;<sup>1</sup> but at least let us acknowledge gratefully our debt to it for turning the current of American practice away from Old World trappings of childish or slavish ceremonial toward manly simplicity and democratic common sense.

**369. Other questions had to do not merely with ceremony, but with power.** The Constitution requires the consent of the Senate to Presidential appointments and to treaties, but does not say how that consent shall be given. *Washington and his Cabinet were at first inclined to treat the Senate as an English*

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pet aversion) is credited with "a very silly kind of laugh . . . the most unmeaning simper that ever dimpled the face of folly." Madison is styled "His Littleness." Hamilton appears with "a very boyish, giddy manner." And even Jefferson wears "a rambling, vacant look."

<sup>1</sup> Jefferson wrote from Paris, rejoicing at the defeat of the proposed title: "I hope the titles of Excellency, Honor, Worship, Esquire, forever disappear from among us from that moment. I wish that of Mr. would follow them." "Mister" [Master] had not ceased to denote social rank in America.

*monarch treated his Privy Council.* When the first nomination for a foreign minister came up (June 17), Vice President Adams attempted to take the "advice and consent" of the Senators one by one, *viva voce*. This attack upon the independence of the Senate was foiled by Maclay, who insisted upon vote by ballot.

A still more important incident concerned a treaty with certain Indian tribes. Instead of sending the printed document to the Senate for consideration (as is done now), *Washington came in person* (August 22), took the Vice President's presiding chair, asked Secretary Knox to read the treaty aloud (which was done hurriedly and indistinctly), *and then asked at once for "advice and consent," to be given in his presence.*

As Maclay properly observes, there was "no chance for a fair investigation while the President of the United States sat there with his Secretary of War to support his opinions and overawe the timid and neutral." The question was being put, when Maclay's sturdy republicanism once more intervened. He called for certain other papers bearing on the subject, and this resulted in postponement. Maclay asserts that Washington received the first interruption with "an aspect of stern displeasure," and that at the close he "started up in a violent fret," exclaiming, "This defeats every purpose of my coming here."

**370.** The Constitution, by its language, *suggests* single heads for executive departments (rather than the committees customary under the old Confederation). Congress at once established the departments of State, Treasury, and War,—together with an Attorney-generalship. Washington appointed as the three "Secretaries," Jefferson, Hamilton, and Henry Knox, and made Edmund Randolph the Attorney-general. These officials were designed, *separately*, to advise and assist the President; but neither the Act of Congress nor the Constitution made any reference to them as a *collective* body,—that is, as a "Cabinet." And yet, the Cabinet has become *by custom* an important part of our government.

The Constitution provides only that the President "*may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices.*" This gives no warrant for asking advice, for instance, from the Secretary of War upon a matter of finance; but almost at once Washington began to treat the group as one official family. When he was troubled as to the constitutionality of the Bank Bill (§ 381), he asked both Hamilton and Jefferson for written opinions; and, in 1793, when the war between England and France raised serious questions as to the proper policy for America (§ 396), he called the three Secretaries and Randolph into *personal counsel in a body*. This was the first "Cabinet meeting."

From time to time Congress has decreed new departments. In 1798 a *Secretary of the Navy* was given part of the duties of the old Department of War. The Post Office was established in 1790 as a part of the Treasury Department, but in 1829 the *Postmaster-general* became the equal of the other heads of departments. In 1849 there was added a *Department of the Interior*; and out of this were carved the *Department of Agriculture*, in 1889, and the *Department of Commerce and Labor* in 1903. The last was again divided in 1913 into the *Department of Commerce* and the *Department of Labor*. The Attorney-general became the head of a *Department of Justice* in 1870.

**371.** Seven of the ratifying State conventions had proposed amendments to the constitution, 124 in number. Early in the first session of Congress, Madison introduced a list of twenty amendments. Twelve were adopted by Congress, and ten of these were ratified by the States.

These ten amendments are commonly known as "**The Bill of Rights.**" They forbid *Congress*<sup>1</sup> to interfere with freedom of religion, freedom of the press, or freedom of petition, and they prohibit general warrants or excessive bail or cruel and unusual

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<sup>1</sup>These amendments were intended to restrict the *Central government* only, but many people think of the restrictions as applying to the States also. Congress can give no religion preference over another; but a *State legislature* may do so, — unless forbidden by the State constitution. Some States did have "established churches" for many years longer.

punishments. They further guarantee to citizens a right to trial by a jury of the neighborhood, in criminal accusations and in civil cases when the amount in dispute exceeds twenty dollars. The ninth and tenth amendments emphasize the idea that the Federal government is limited to those powers enumerated in the Constitution.

**372.** The Constitution made it the duty of Congress to provide a Supreme Court. The "original jurisdiction" of that Court was stated in the Constitution; but *Congress was left at liberty to regulate the "appellate jurisdiction," and to provide inferior courts, or not, at its discretion.* A Judiciary Act of 1789 established a system of which the main features still remain.<sup>1</sup>

a. A Supreme Court (a Chief Justice and five Associate Justices) was created, to sit at the Capital.<sup>2</sup>

b. Two grades of inferior courts were established *covering the entire Union.* (1) There were thirteen *District Courts*, each with a resident judge. (2) These districts were grouped into three circuits, each with its *Circuit Court* intermediate between District Court and Supreme Court. *At this time, there were no distinct Circuit Judges:* each Circuit Court consisted of a District Judge and of two Justices of the Supreme Court "on circuit."

c. *Appeals to the Supreme Court* were provided for, not only from inferior Federal courts, *but also from any State court, in all cases where such a court had denied any right or power claimed under a Federal law or treaty or under the Constitution.*

This part of the law still makes the Federal judiciary the "final arbiter" between States and Nation (§ 352 a). The Constitution *permitted* such a law; but Congress *might* have given very narrow limits to the appellate power. This great law did extend that power so as to include every possible case of conflict between States and Nation.

The establishment of the inferior Federal Courts (*b* above) also greatly magnified the authority of the Federal judiciary at the expense of State Courts, since it made Federal Courts *much more accessible* than if there had been only one court, fixed at Washington.

<sup>1</sup> Cf. Appendix I, and references there, for the most important changes since.

<sup>2</sup> The number of Associate Justices is now eight (1917).

**373.** On the other hand, the power of the Court was soon limited by an amendment to the Constitution. The first decision to draw public attention to the enormous powers of the Supreme Court was in the case of *Chisholm v. Georgia*, in 1793. Chisholm, a citizen of South Carolina, sued in the Supreme Court to recover a debt from the State of Georgia. The Constitution states that "the judicial power shall extend . . . to controversies between a State and citizens of another State." Georgia, however, claimed that this phrase meant only that a State could sue private citizens in the Federal Court, not that a State could itself be sued by private individuals. *The words must be taken in the light of the State-sovereignty ideas of that era* ; and, beyond all doubt, this understanding of Georgia was the general understanding when the Constitution was ratified.

In the ratifying conventions, fear had been sometimes expressed that this clause might enable a private citizen to sue "a sovereign State." *In all such cases*, the leading Federalists explained that such meaning was impossible. Madison, in the Virginia convention, declared the objection "without reason," because "it is not in the power of individuals to call any State into court." In the same debate, John Marshall (afterwards Chief Justice), in defending the clause, exclaimed : "I hope no gentleman will think that a state will be called at the bar of a Federal Court. . . . It is *not natural* to suppose that the *sovereign power* should be dragged before a court. *The intent is to enable States to recover claims against individuals residing in other States.*" And Hamilton in the *Federalist* (No. 81) declared any other view "altogether forced and unaccountable," because "it is inherent in the nature of *sovereignty* not to be amenable to the suit of an individual without its own consent."

Now, however, the Court, by a divided vote, assumed jurisdiction. Georgia refused to appear, and judgment went against her. Georgia thereupon threatened death "without benefit of clergy" to any Federal marshal who should attempt to collect the award. Civil war was imminent.

Similar suits were pending in other States, and there was widespread alarm. The legislatures of Massachusetts, Connecticut, and Virginia called for a constitutional amendment, and passed vigorous resolutions denouncing the Court's

decision as "dangerous to the peace, safety, and independence of the several States." Then Congress by almost unanimous vote submitted to the people the Eleventh amendment, *which reversed the decision of the Court* and upheld Georgia's interpretation of the Constitution.

EXERCISE. — Glance back over the chapter with special reference to the bearing of the chapter's title. Our Constitution has grown by written amendment, by judicial decisions, and by custom. No period has been more fruitful in such growth than Washington's administrations.

FOR FURTHER READING *on chapters xxxii-xxxvii.* — Francis A. Walker's *Making of the Nation*, 73-167, gives an admirable brief treatment. Biographies of Washington, Adams, and Hamilton should be accessible (see titles in Appendix).

## CHAPTER XXXIII

### HAMILTON'S FINANCE

**374.** CONGRESS made appropriations the first year amounting to \$640,000 — about one hundredth as much *per citizen* as the cost of government in recent years — and it provided for this expense by a **low tariff**. The rates averaged about  $7\frac{1}{2}$  per cent, and the bill was based upon the idea in the attempted “revenue amendments” of 1781 and 1783 (§ 331). Pennsylvania members, however, secured some amendments intended to “protect” American manufactures, and this purpose was finally stated in the title of the bill. Strictly speaking, however, the law remained a *tariff for revenue*, with “incidental protective features.”

**375.** Meanwhile Hamilton, with marvelous skill and industry, had worked out a plan to care for the old debts and to put the chaotic finances of the nation in order. First he recommended that the government “fund” the continental debt (both the \$11,500,000 due abroad and the \$40,500,000 of “certificates” held at home),<sup>1</sup> by taking it up, at face value, in exchange for new bonds payable in fifteen and twenty years.

To make full provision for the foreign part of this debt was inevitable, if the United States was to have standing among the nations. Congress gave unanimous approval to this part of the scheme, but many members objected to taking over *in full* the old domestic debt. For the most part, the “certificates” had passed into the hands of speculators, at twelve or fifteen cents on the dollar; and, it was argued, there was neither necessity nor propriety in voting fortunes out of the

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<sup>1</sup> About a third of this domestic debt consisted of unpaid interest.

people's money to men who had so traded on their country's needs. Hamilton maintained forcefully, however, that no other course would establish national credit or redeem the faith pledged by the old Congress as the price of Independence; and this view prevailed.

On the other hand, the \$200,000,000 of Continental currency, held mainly by the common people, was practically repudiated. This was much the larger part of the Revolutionary debt. In view of this, the talk of "redeeming our sacred faith" has a peculiar sound. Hamilton's plan is to be praised because it was wise, not because it was particularly *honest*.

Even before Hamilton's proposals were laid before Congress, his purpose leaked out; and wealthy men in New York and Philadelphia hastily started agents in swift-sailing vessels for distant colonies, and on horseback for back counties, to buy up certificates at the prevailing prices, before the news should arrive. Indeed, many believed that Hamilton himself was corruptly interested in this speculation. From this charge, happily, he can be absolutely acquitted; but he had been careless in letting out official secrets to less scrupulous friends, and some of his strongest supporters in Congress were among these speculators.

**376.** Hamilton planned also for the Federal government to *assume* the war debts of the States (\$22,000,000). This part of his scheme was long in danger. States that had already paid their debts resented bitterly the prospect of now having to help pay also the debts of other States; and States-rights men denied the right of Congress to *assume* debts. The measure was finally carried by a log-rolling bargain. Jefferson was persuaded to get two Virginia votes for "assumption," in return for Hamilton's promise of Northern votes to locate the Capital on the Potomac.<sup>1</sup> Thus the total debt of the new

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<sup>1</sup> EXERCISE. — Let the student make clear to himself, from the text, the use of the terms *funding* and "*assumption*." Is it not clear why this arrangement between Hamilton and Jefferson cannot be called a compromise, but must be styled "log-rolling"? Did Hamilton *pay off* any of the debt?

nation was some 74 millions<sup>1</sup> — or about as much per head as the *annual* expenses of government a century later.

**377.** All this was vigorous financiering. **American credit was established at a stroke.** Confidence returned at home. Money came out of hiding, and we entered upon an era of business prosperity. Daniel Webster afterward said, in a great oration, that Hamilton “smote the rock of national resources, and abundant streams of revenue gushed forth. He touched the dead corpse of national credit, and it sprung upon its feet.” (Cf. § 324.)

But it was *more* than mere financiering. **Hamilton cared as much for the political results as for the financial.** He saw that these measures would be “a powerful cement to union” “by arraying property on the side of the new government.” Especially was this true of *assumption*. If that part of the plan had failed, then all holders of *State* bonds would have been inclined to oppose national taxation as a hindrance to State taxation — whereby they themselves would have had to be paid. After “assumption” carried, all such creditors were transformed into ardent advocates of the new government and of every extension of its powers; because the stronger it grew and the more it taxed, the safer their own private fortunes. *The commercial forces of the country were consolidated behind the new government.*

Jefferson soon regretted bitterly his aid to this centralizing force, and complained that (just back from France) he had been tricked by Hamilton. “Hamilton’s system,” said he, “flowed from principles adverse to liberty, and was calculated to undermine the Republic.” And Maclay wrote during the contest, — “The Secretary’s people scarce disguise their design, which is to create a mass of debts which will justify them in seizing all the [re]sources of government, thus annihilating the State legislatures and creating an empire on the basis of consolidation.”

**378.** The victory of “assumption” made a larger revenue necessary. Another part of Hamilton’s plan dealt with this

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<sup>1</sup> Several arrangements made it really less than this. Some of the domestic debt was paid in wild lands.

need. In accord with his recommendations, *duties were increased slightly* on goods imported from abroad; and, in 1791, Congress imposed a heavy "excise" on spirits distilled at home.

To-day such an excise falls, first upon *large distilleries*, which pay the tax and then collect it again from the "ultimate consumer" in increased price.<sup>1</sup> But, in that time, whisky, a universal drink, was manufactured in countless petty "stills" scattered over the country, especially in the poorer western counties, where the farmer could not market his grain in any other way.<sup>2</sup> These small producers in the western districts rarely saw much currency; and they felt it a cruel hardship to have to pay the tax, particularly *in advance of marketing the whisky*.

**379.** The legislatures of North Carolina, Virginia, Maryland, and Pennsylvania passed vehement resolutions condemning the law; and *in four western counties of Pennsylvania* the United States officials were driven out or set at nought for three years,—by methods that make a curious parody upon the methods toward English officials in the years before the Battle of Lexington.

**This was the Whisky Rebellion.** Finally, under Hamilton's advice, Washington marched 15,000 militia from neighboring States into the insurgent counties, and obedience was restored. *The most important result of the whisky tax was not the increased revenue, but this demonstration that the new government was able and determined to enforce its laws.*<sup>3</sup>

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<sup>1</sup> Tariffs and excises are *indirect* taxes (one external, the other internal) paid in the first instance by importer or manufacturer, but in the end by the people who buy and use the goods.

<sup>2</sup> A pack-horse could carry not more than four bushels of grain; but, reduced to the form of whisky, he could carry twenty-four bushels. Western Pennsylvania is said to have had 3000 stills. The student will know something of the modern feeling against the excise in the mountain districts of Southern States.

<sup>3</sup> The Whisky Rebellion is worth a special report. It was the first rebellion against the Federal government. (Compare with Shays' Rebellion against a State.) Two leaders were tried for treason and condemned to death,

**380.** Hamilton also persuaded Congress to incorporate a **National Bank**. The government held part of the stock, and named some of the managing Board. In return, the Bank acted as the agent of the government in securing loans, and took care of the national funds. In other respects, it was like other banks,—receiving deposits, issuing paper notes (which made a much-needed currency), transferring credits and cash from one part of the country to another,<sup>1</sup> and making loans on suitable security. Critics soon pointed out a danger that a bank connected with the government might exert tremendous political influence for the party in power by granting or refusing loans. But banking facilities had been meager; *and the convenience of this institution bound the commercial classes still more closely to the new government.*

**381.** The creation of the Bank led to the doctrine of “**implied powers**” in the Constitution (§ 347). To create a corporation is not among the powers “enumerated” for Congress. Indeed, efforts to include that particular power had been defeated in the Philadelphia Convention. Hamilton, however, insisted that the authority was given by the “necessary and proper” clause (§ 348). “Necessary,” he urged, meant only “suitable”; and a national bank would be a suitable and convenient means to carry out the enumerated powers of borrowing money and caring for national finances. After serious hesitation, Washington signed the bill. He had invited opinions from Jefferson as well as from Hamilton (§ 370); and the debate between the two great Secretaries began the dispute as to “strict construction” and “loose” or “broad” construction of the Constitution.

**EXERCISE.** — Review Hamilton’s financial plan, making out an abstract of its various parts in the form of a “brief.” Review carefully §§ 345–348 in connection with § 381.

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but they were pardoned by Washington. Happily, the nation has never imposed a death penalty for *political* opposition.

<sup>1</sup> There was a central bank at Philadelphia, with branches in other leading cities.

## CHAPTER XXXIV

### NORTH AND SOUTH

**382.** From the first, *the serious contests under the new government were sectional*. The conflicts upon assumption, the tariff, the Bank, had all been conflicts between North and South, — commercial section and agricultural section.

**This sectionalism was intensified by the slavery question.** In the North, and as far south as through Virginia, antislavery sentiment was gradually growing. Some States had abolished slavery; some were making arrangements for gradual emancipation; others had at least forbidden importation of slaves. In the first session of the First Congress, a Virginia representative moved a national tax of ten dollars a head upon all slaves imported into any State. After a bitter debate the matter was dropped. At the next session, petitions were presented from two Pennsylvania societies praying Congress to use its "constitutional powers" to limit slavery and protect the Negro. The resulting debate was as fierce as any in our history, bristling with vituperation and with *threats of secession*; and the House finally adopted resolutions declaring that it had no "constitutional power" to interfere with the treatment of slaves, or to abolish slavery, within any State.

**383.** The next move came from the South in a demand for a **Fugitive Slave Law**, and *in 1793* there was passed a disgraceful statute. The Constitution sanctioned slavery and made it the legal duty of Congress to provide the necessary machinery for the capture and return of fugitive slaves; *but the law should at least have given to any Negro, claimed as a slave, the benefit of the doubt*, until proof of the claim was complete. The presumption should have been in his favor. Such, indeed,

was the maxim of the Roman Imperial law.<sup>1</sup> But this American law followed rather the medieval maxim that a masterless man must belong to some master. It was a base surrender of human rights to property rights. *It assumed that the claim of a pretended master was good unless disproved by evidence.* No jury trial was provided, and a free Negro, seized in a strange locality, might easily find it impossible to prove his freedom, — especially as *the law failed to provide for summoning witnesses.* A crushing fine was provided for any citizen aiding a Negro who might prove to be an escaped slave. *In every detail the presumption of the law was against the Negro.*

In a more enlightened age the courts would have held the law unconstitutional. It neither provided securities for the accused *in criminal cases* (if the claim that a Negro was an escaped slave constituted a criminal case), nor insured the jury trial guaranteed by the seventh amendment *in civil cases.* But law, after all, is merely what the courts, sustained by public opinion, declare it to be. This abominable statute was sustained by American courts; and, under its sanction, gangs of kidnapers could, and sometimes did, carry off free men to a horrible slavery. After some fifty years (in the famous *Prigg v. Pennsylvania* case) the Supreme Court of the nation definitely upheld the constitutionality of the law, *except as to the provision requiring State officials to act as Federal officers in carrying it out* (1842). The more active public opinion of the forties took advantage of this leak to undermine the operation of the law.<sup>2</sup> Then the Fugitive Slave Law of 1850 (§ 629) merely reenacted the old abuses with more efficient machinery, *i. e.* with special Federal commissioners to enforce them.

**384.** The reunion of the old thirteen States was completed by the ratification of the Constitution in North Carolina (November, 1789) and in Rhode Island (1790). **Almost at the same time began the expansion of the Union** through the admission of new States, — Vermont in 1791, and Kentucky in 1792. Toward the close of the Federalist period, Tennessee was admitted

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<sup>1</sup> West's *Ancient World*, § 637.

<sup>2</sup> In some parts of the country, the law had been a dead letter from the first. In 1795 a fugitive slave was rescued from pursuers in Massachusetts.

(1796); and in 1802, early in the following period, Ohio came in. Regarding these new States, three matters call for consideration.

a. Of the original thirteen States, seven were north of Mason and Dixon's line; but some of these were still slave-holding States, so that the Slave and Free sections were not unequal. The bills for the admission of Kentucky and Vermont were passed within a few days of each other, *in order to maintain the balance*, — especially in the Senate, — *between the forces for and against slavery*.

b. Both Kentucky and Vermont gave the franchise to all White males twenty-one years of age. These were the first States with "manhood franchise." Tennessee and Ohio did not go quite so far; but they also were much more democratic than the older States. *The admission of Western States began at once to introduce greater democracy into the Union.*

c. The new commonwealths had never known political existence as sovereign bodies. They were the children of the Union, created by it and fostered by it; and the tendency to nationality was stronger within their borders than within the original States. *The most powerful single force in our history on the side of union has been this addition of the many new States carved out of the national domain.*

## CHAPTER XXXV

### RISE OF POLITICAL PARTIES

**385.** The first three years of Washington's administration saw no political parties. The adoption of the Constitution ended the first party contest. The Federalists were left, almost without opposition, to organize the government they had established; and, within a few months, party lines were wiped out.

It is sometimes said that Washington tried to reconcile the two old parties and so appointed to his Cabinet two leaders from the Antifederalists, — Jefferson and Randolph. This is absurd. Jefferson had criticized the Constitution, — though less severely than Hamilton had, — but he, too, had used his influence for its ratification. And, though Randolph refused to sign the final draft of the Constitution at Philadelphia, he had, afterward, in the Virginia convention, been one of the chief leaders for ratification. *The Cabinet represented merely the different wings of the old Federalist party.*

**386.** But elements were present for new divisions. Men soon found themselves for or against the plans of the government according as they favored (1) *aristocracy or democracy*, (2) *commercial or agricultural interests*, (3) *a strong or a weak government*, and (4) *English or French sympathies*.

And these divergent views arranged themselves in two groups. The commercial interests wished a strong central government (§ 351), and favored England because our commerce was mainly with that country.<sup>1</sup> Likewise, they were more impelled toward aristocracy — to which they had always been inclined — because aristocratic England was now the

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<sup>1</sup> After the Revolution almost as exclusively as before, — which suggests that the English navigation acts had not in great measure diverted colonial commerce from its natural channels.

champion of the old order against democratic France, in the wars of the French Revolution.

On the other hand, the democratic portion of society had its chief strength in agricultural districts. It kept its Revolutionary hatred for England, and was warmly attached to France (formerly our ally and now the European champion of democracy). And, according to universal democratic feeling in that day, it looked with distrust upon any strong government.

**387.** Hamilton stood for the aristocratic, pro-English tendency; Jefferson, for the democratic, pro-French view. Soon the two were contending in the Cabinet (in Jefferson's phrase) "like cocks in a pit."<sup>1</sup> By 1792 these divergent views in the country had crystallized into new political parties under these leaders. Jefferson believed that Hamilton's policy, if not checked, would result in monarchy; and he called his own party "Republican." His opponents tried to discredit it by stigmatizing it "Democratic," and shrewdly took to themselves the old name "Federalist." Unhappily, the new party lines were largely sectional. Commercial New England was mainly Federalist; the agricultural South was Republican.

**388.** Jefferson first uses the term *Republican* as a party name in a letter to Washington in May, 1792:—"The Republican party among us, *who wish to preserve the government in its present form . . .*" Years later he affirmed he had heard Hamilton call the Constitution "a shilly-shally thing, of mere milk and water, which . . . was good *only as a step to something better*"; and later still he declared, "The contests of that day were contests of principle between the adherents of republican and of kingly government."

But if Jefferson accused his opponents of plotting against the Republic, they, even more absurdly, accused him of plotting to overthrow all society, in the interest of bloody anarchy or at least of a general prescription of property (§ 426). It took a generation for men to learn that political difference did not mean moral viciousness. Many years afterward, Madison characterized the party divisions more fairly:—"Hamilton wished to *administer the government into what he thought it ought to*

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<sup>1</sup> By 1793, both men had resigned.

be; while the Republicans wished to keep it as understood by the men who adopted it."

**389.** Washington was a Federalist; but his patriotism so exalted him that the Republicans were unwilling to oppose his reelection. In 1793 he again received every electoral vote. Adams became Vice President again, by 77 votes to 50 for George Clinton. The Republicans were sadly handicapped in their canvass for Clinton by their lack of a candidate of their own for the presidency; but they secured a strong majority in the new House of Representatives.

**390.** Washington refused to be a candidate for a third term,<sup>1</sup> and in 1796, came a true party contest. The Federalist members of Congress in caucus nominated Adams and Thomas Pinckney. Republican Congressmen nominated Jefferson. Adams won by three votes. Jefferson became Vice President.

Before the Twelfth Amendment, each elector voted for two men without naming one for President, one for Vice President. If all Federalist electors had voted for both their candidates, there would have been no choice for first place. To prevent this result, several Federalist electors threw away their second votes, so that Pinckney, on the winning ticket, received fewer votes than Jefferson, on the other. The consequence was absurd, — President and Vice President from hostile parties.

**391. Excursus.<sup>2</sup> —** The nominating "caucus," originated in town government. John Adams has left the earliest account of it as it appeared in Boston (Diary for February, 1773): —

"This day I learned that the caucus club meets at certain times in the garret of Tom Dawes. . . . He has a large house, and he has a movable partition in his garret, which he takes down, and the whole club meets in one room. There they smoke tobacco till you cannot see from one end of the room to the other. There they drink flip, I suppose, and there they choose a moderator, who puts questions to vote regularly; and selectmen, assessors, collectors, firewards, and representatives are regularly

<sup>1</sup> Washington's noble "Farewell Address" warned his countrymen against "entangling alliances" abroad and sectional divisions at home. It should be read by all students.

<sup>2</sup> The rest of this chapter is a digression to explain party government.

chosen before they are chosen by the town." It was his control over this caucus which made Samuel Adams for so long the "boss" of Boston.

By 1790, it had become customary in State legislatures for members of each party to "caucus" in order to nominate party candidates for State offices. This device was now seized upon by the parties in Congress for national party nominations. Of course it destroyed at once and completely the intention of the Constitution that the chosen electors should "deliberate" and make their own choice, and so "refine the popular will." It remained now only for them to follow the "recommendation" of the party caucus.

This matter illustrates the fact that **party government was a new thing**. The men who made the Constitution did not foresee it. Those who dreamed of it at all thought of it only as a dreaded possibility.<sup>1</sup> *The Constitution makes no provision for the chief force which was to run it.*

**392. Government by party seems to be most wholesome** when party lines correspond in fair degree to the natural differences between conservatives and progressives. One part of society sees most clearly the present good and the possible dangers in change, and feels that to maintain existing advantages is more important than to try for new ones. Another part sees most clearly the existing evils and the possible gain in change, and feels that to try to improve conditions, even at the risk of experiment, is more important than merely to preserve existing good. *Each party* draws its strength from *some of the noblest and some of the basest* of human qualities. The true reformer will find himself associated with reckless adventurers and self-seeking demagogues. The thoughtful conservative, struggling to preserve society from harmful revolution, will find much of his support in the inertia, selfishness, and stupidity of comfortable respectability, and in the greed of

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<sup>1</sup> Said John Adams, in October, 1792: "There is nothing which I dread so much as the division of the Republic into two great parties, each under its leader. . . . This, in my humble apprehension, is to be feared as the greatest political evil under our Constitution."

“special privilege.” “Stupidity is naturally Tory”; but “Folly is naturally Liberal.”<sup>1</sup>

**393.** The term party government applies to countries where the people are divided into political parties, and the party with the most votes back of it controls the course of government. At present it is the mark of all free governments. One of its characteristics is *moderation*, because the shifting of only a small fraction of the total vote will usually displace the ruling party. In America *the check of parties* has replaced, for most useful purposes, the elaborate system of checks devised by the Philadelphia Convention.

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<sup>1</sup> This paragraph is condensed roughly from a much longer passage in Lecky's *England in the Eighteenth Century* (I, 513-515). Colonel Higginson had the final quotation in mind probably, when he wrote of these first American political parties, “Some men became Federalists because they were high-minded, and some because they were narrow-minded; while the more far-sighted and also the less scrupulous became Republicans.”

## CHAPTER XXXVI

### FOREIGN RELATIONS, 1793-1800

**394.** The French Revolution began one week after Washington became President. That tremendous movement soon involved all Europe in war; and the new-born American nation had only four years of quiet, to arrange its pressing affairs, before it was drawn into serious foreign complications. Those complications absorbed much American energy, and vitally affected American development for twenty years, and then closed with a great war. This chapter is concerned with them during the Federalist period, to 1801.

#### I. RELATIONS WITH FRANCE TO 1795

**395.** Popular sympathy went out enthusiastically to the French Republic in its desperate struggle against the "coalized despots" of Europe. From one end of America to the other, there burst forth a fine frenzy for "Democratic clubs" and other imitations of new French customs; and loud demands were voiced that we return to France, in her need, the aid we had received from her in our own Revolution.

**396.** Washington steadfastly withstood this popular movement. On receiving news of war between France and England, in the spring of 1793, he called the first Cabinet meeting (§ 370), and, with the unanimous approval of that body, decided upon his famous "**Neutrality Proclamation.**"

The President had no authority to *fix* the policy of the nation. That belongs to Congress. Accordingly, the proclamation did not say that the United States would *remain* neutral. It did call the attention of our citizens to their **duties** *while* we were

neutral, and it dwelt effectively upon the **advantages** of neutrality. It was really an impressive *argument* for that policy. For the moment, its chief result seemed to be a storm of violent abuse directed at Washington.

**397.** The new French minister, "*Citizen*" Genêt, tried to use our **ports** for French privateers as if America had been an ally of France in the war; and, in such attempts to embroil us with England, he had much popular sympathy. Soon, however, Genêt overreached himself. When checked by our government in his efforts to disregard our neutrality, *he threatened to appeal from the government to the people*. Any such action by the representative of a foreign power is the extreme of insolence. Washington promptly demanded that France recall its minister, and the people generally supported this defense of American dignity.

**398.** Then public opinion began overwhelmingly to approve Washington's stately recommendation for neutrality in the great proclamation. That policy was established, by the informal mandate of the nation, and *America was started upon a century-long period of separation from Old-World quarrels*. In Washington's day such separation was especially wholesome, because we could then enter European politics only as a tail to the French or English kite.

## II. RELATIONS WITH ENGLAND

**399.** Our troubles with England concerned (1) the unfulfilled treaty of 1783 (§ 290); (2) our wish to trade with the British West Indies — from which England's navigation acts now shut us out; and (3) conflicting views of international law<sup>1</sup> as to

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<sup>1</sup> International law is not *law*, but *custom* which has won general approval, and which defines how nations are *expected* to act toward one another under given conditions. This body of custom has grown more definite, and has changed greatly, during the past century; but many of the points then in dispute between England and America are still unsettled. On the whole, however, America stood for an advanced interpretation, and her contentions have won ground, — to the gain of ourselves and the world.

rights of neutral trade during the European war. The first two points were of merely temporary interest. Some things about the third matter are still vital.

**400.** The English navy was trying to conquer France by shutting off foreign commerce. England looked upon our trade with France as an aid to the military resistance of that power. We regarded England's restrictions upon that trade as interference with neutral rights. Two of the points in dispute called for special notice.

*a.* France began (May, 1793) seizing American ships bound to England with foodstuffs, on the ground that such cargo was "*contraband*." England was soon absolute mistress of the seas, and she gladly followed this example. She offered payment to the American owners, it is true, for the food she seized; but we held that only military supplies were contraband.<sup>1</sup>

*b.* England captured neutral vessels bound even to an unblockaded port, if they carried goods belonging to citizens of a country with which she was at war. America claimed, "*Free ships make free goods*."<sup>2</sup>

**401.** More serious, to our eyes to-day, was the seizure of **American seamen**, — though at the time it awoke far less protest than the seizure of property. England had always recruited sailors for her men-of-war by the press gang; and — so essential was the war navy — English courts had always refused to interfere. Great numbers of British seamen had recently deserted to American merchant ships to get better wages and

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<sup>1</sup>The Russian-Japanese War and still more the present European War (1916) prove that this is still a vexed question. Food or clothing for an army, or for a besieged town, has always come under the head of military supplies. These recent wars show that whole provinces, and whole countries, may be "besieged," and that almost any sort of goods may become "military supplies."

<sup>2</sup>This maxim had been set up by Holland in 1650, and agreed to by northern European nations in 1780, except for England's opposition. War on land has long recognized, in considerable degree, that private property should be taken by a hostile army *only as a necessary war measure*, not merely for plunder. At sea, this civilizing doctrine has made slower progress, and piratical customs have continued.

better treatment there. These deserters were often protected by *fraudulent* papers of "citizenship," easily secured in American ports. English vessels claimed the *right to search* American ships and to take back such sailors. Soon the practice was extended to the impressment of other British subjects found there, and even to those who had been legally "naturalized" by American law.<sup>1</sup> Worse still, in irritation at the American encouragement to their deserters, English officers sometimes impressed *born Americans*, either by mistake or by set purpose.

**402. The "right of search" exists.** In time of war, a war vessel of either power may stop and search a neutral trading vessel to find out (1) whether it really is a neutral vessel as its flag proclaims; (2) whether it is bound for any blockaded port; (3) whether it carries "contraband." If "strong presumption" is found against the vessel on any of these points, it may be carried to a "prize court" for trial; and if there adjudged guilty, it becomes "lawful prize." But no "right of search" applies to seizing *people*; and the "right" must always be exercised with discretion and without unduly embarrassing neutral trade.

**403.** All England's invasions of neutral rights were attempted by other European belligerents also; but **England's navy was the only one able to injure us seriously.** As scores of American vessels with valuable cargoes were swept into British prize courts, American feeling rose to war heat. In the spring of 1794 Congress laid a temporary embargo upon all American shipping (that it might not be caught at sea, without warning, by the expected war), and threatened to seize all moneys in America due British creditors, to offset British seizures of American ships. **This would have meant war.**

**404. That disaster was averted only by the calm resolution of Washington.** He appointed John Jay special envoy to negotiate with England; and in November, 1794, "**Jay's Treaty**" was ready for ratification. By its terms, impressment was not mentioned nor blockade defined. England had her way, too, as

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<sup>1</sup> England denied the right of an Englishman to change his allegiance:—"Once an Englishman, always an Englishman." The American contention of a man's right to change his citizenship by "naturalization" has prevailed.

to contraband and neutral ships ; but she agreed to vacate the Northwest posts, to open to American trade her West India ports under certain restrictions,<sup>1</sup> and to pay American citizens for recent seizures of ships and goods. The American government dropped the claim for compensation for the deported Negroes, and promised to pay the British creditors who had not been able to collect pre-Revolutionary debts.

It took all Washington's influence to get the treaty ratified in the Senate. Among the people, excitement and opposition were intense. Jay was burned in effigy. Hamilton was stoned from a public platform where he advocated ratification. Washington himself once more was heaped with vituperation. The Virginia legislature voted down a resolution expressing trust in her greatest son, and the national House of Representatives struck out the customary words "*undiminished confidence*" from an address to him.

**405.** The treaty certainly left much to be desired ; but at worst it was well worth while. America secured undisputed possession of her full territory and satisfaction for commercial injuries. For other matters, we gained what we needed most — time. To our new and unprepared nation, war at that moment would have been ruin. The treaty permitted an honorable escape. Moreover, one feature of the treaty was a distinct step onward for civilization. *It provided for the first instance of international arbitration in the modern sense (§ 406).*

**406.** The treaty of 1783 had named the St. Croix River as the boundary of Maine from the sea to the highlands. But

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<sup>1</sup> England offered to open the West India ports to American trade, but only to *small coasting vessels*, and upon condition that America promise for twelve years not to export to any part of the world molasses, sugar, coffee, cocoa, or cotton. The English intention, probably, was simply to maintain her navigation system with regard to other countries, by making sure that American vessels, admitted to the Island ports, should not carry the products of those colonies to other parts of the world as well as to the United States, and that such products, after being brought to the United States, should not be reexported. *Jay seems to have been ignorant that these restrictions would hamper American commerce.* The twelfth article of the treaty, containing this trade provision, was cut out by the Senate before ratification.

that unexplored region contained several rivers bearing that name. The treaty-map, with its red-ink drawings, had been lost. And several thousand square miles of territory had fallen into honest dispute.

The treaty of 1794 submitted the matter to adjudication by a commission (two men chosen by each power, they to have authority to choose a fifth). Each nation pledged itself in advance to abide by the award. The commission was to act as an international court, with somewhat of judicial procedure. It was not to be merely a meeting of diplomats, to make a bargain or to seek out a compromise. It was to examine evidence and hear argument, and was sworn *to do justice according to the real merits of the case*, as an ordinary court decides title to property between private claimants.

This rational agreement called forth violent outcry. In England, the ministry were assailed for "basely sacrificing British honor"; and, on this side the water, there was much senseless clamor about "not surrendering American soil without first fighting to the last drop of our blood." To such silly, question-begging pretense of patriotism, Hamilton's reply was unanswerable: "It would be a horrid and destructive principle that nations could not terminate a dispute about a parcel of territory by peaceful arbitration, but only by war."

### III. RELATIONS WITH SPAIN

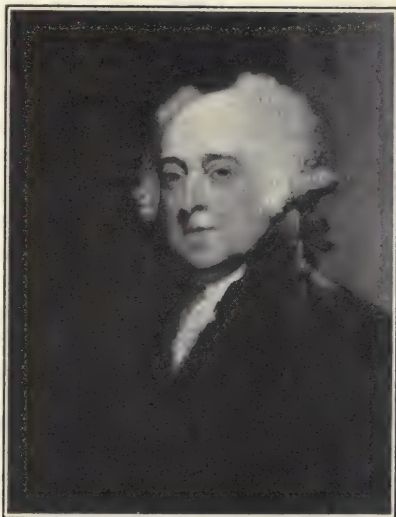
**407.** Spanish troubles have been treated in earlier chapters. In 1795, after vigorous negotiation, backed at last by threats of war, the *Pinckney Treaty* secured what seemed on paper a fairly satisfactory adjustment. Spain (1) recognized the thirty-first parallel as the northern boundary of Florida (§ 290); (2) bound herself to restrain Indian hostilities; (3) promised the "right of deposit" at New Orleans (§ 305); and (4) agreed to pay for previous seizures there. In practice, it is true, Spanish officials continued the old abuses against American trade.

## IV. RENEWED TROUBLES WITH FRANCE

**408.** France had confidently expected our troubles with England to lead to war. She was bitterly angered, therefore, at the Jay Treaty. Her government, in a violent protest, charged the United States with weakness and bad faith, and insultingly refused to receive Pinckney, who had been appointed our minister at Paris. Soon France withdrew her minister from America, and, to the full extent of her power began aggressions upon our commerce.

**409.** The administration of John Adams (1797-1801) found things at this pass; and it was occupied almost wholly by these troubles and by the disputes at home growing out of them. The President sent Gerry, Pinckney, and John Marshall to France to negotiate a settlement. The new French government (the Directory) first ignored these gentlemen, and then, through secret agents, tried to intimidate them and to demand tribute in money for their own private pockets.

The publication of this infamous "X. Y. Z."<sup>1</sup> matter silenced the friends of France in America and fanned popular indignation to white heat. Pinckney's famous phrase, "Millions for defense, but not a cent for tribute," became the grim byword



JOHN ADAMS. From the portrait by Stuart, now in the collections of the New York Historical Society.

<sup>1</sup> The American ministers, in their dispatches home, mentioned the French negotiators by these initials only.

of the hour. Even the Southern States elected Federalist congressmen; and, in 1798, the Federalists once more gained possession for a moment of all branches of the government.

**410. In the summer of 1798, preparations for war were hastened.** Warships were built, and the army was reorganized, with Washington as commander in chief and Hamilton as his second in command. **War** was not formally declared, but it **did exist in fact**. Scores of ships were commissioned as privateers, to prey upon French merchantmen; and the United States frigate *Constellation* fought and captured the French *Vengeance*.

**411.** At this moment, in a roundabout way, the French government hinted that it would be glad to renew negotiations. Adams had won great applause by a declaration, "I will never send another minister to France without assurance that he will be received, respected, and honored as becomes the representative of a great, free, powerful, and independent nation." But now the patriotic President threw away his popularity and the chance predominance of his party, in order to save the country from war. Without even the knowledge of his Cabinet, he appointed another embassy; and **the treaty of 1800 secured our trade, for the time, from further French aggression.**

Adams' courage in this matter is perhaps his highest claim to grateful remembrance. He himself proposed for his epitaph, "Here lies John Adams, who took upon himself the responsibility for the peace with France, in 1800."

**EXERCISE.** — The troubles of this period were soon to break forth again, with the renewal of war in Europe, and to grow in intensity until the War of 1812. Many of the questions gained new interest from the great European war of 1914. The teacher should see that the class can use intelligently such terms as *treaty*, *alliance*, *neutrality*, *blockade*, *contraband*, *search*, "*minister*," *ambassador* (distinguishing between the last two and *consuls*).

Walker's *Making of the Nation* has an admirable brief treatment of our foreign relations in this period. All the larger histories give much space to the topic. C. R. Fish's *American Diplomacy* is about the only special treatise that high-school students can use for this period.

## CHAPTER XXXVII

### DOMESTIC TROUBLES, 1797-1800

**412.** The preparation for war, at the opening of Adams' administration, made more revenue necessary. Congress raised the tariff rates, passed a Stamp Act, and apportioned a "direct tax" of \$2,000,000 among the States.

This last measure resulted in **Fries' Rebellion**. In assessing the new tax, houses were valued according to their size and the number of their windows. Officers were frequently resisted in their attempts to measure houses, and slops were sometimes poured upon their heads from the windows. In Pennsylvania a number of the rioters were arrested. They were promptly rescued by armed men led by a certain Fries. Adams thought it necessary to call out an army to repress the "insurrection." Fries was condemned to be hung for treason, but was pardoned by the President—to the indignation of leading Federalists, who clamored for an "example."<sup>1</sup>

**413.** Political controversy had grown excessively bitter. Republican editors poured forth upon the President and his administration abuse which in our better-mannered era would be regarded as blackguardism. The Federalists retorted with language equally foul, and tried to gag their opponents with the notorious "**alien and sedition**" laws,—repressive, tyrannical, dangerous to the spirit of free institutions.

Aliens had been required to live in the United States *five* years before they could be naturalized: a new *Naturalization Act* raised this period to **fourteen** years. An Alien law

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<sup>1</sup> Adams himself had blamed Washington severely for pardoning the leaders of the Whisky Rebellion. On the question of whether Fries' conduct really constituted "treason," cf. Walker's *Making of the Nation*, 147.

authorized the President, *without trial*,<sup>1</sup> to order out of the country "any aliens he shall judge dangerous to the peace and safety of the United States," and, if they remained, to imprison them "so long as, *in the opinion of the President*, the public safety may require." The Sedition Law provided fine and imprisonment for "combining" to oppose measures of the government, and for "any false, scandalous, or malicious writing against the government" or *against its high officials*, "with intent to bring them into disrepute."

Seditious utterance and slander were already punishable in *State courts*, under the Common Law. But, since the Zenger trial (§ 191), prosecutions of this sort for *political* utterances had become obsolete in America. The people, with sound instinct, had preferred to endure some bad manners, rather than to imperil liberty. This reenactment of obsolete practice by a National law, to be enforced in the government's own courts, was in conflict, in spirit at least, with the first amendment.

**414.** President Adams took no part in securing these laws; and he made no use of the Alien Act. **But Federalist judges showed a sinister disposition to stifle criticism of their political party by securing convictions under the Sedition law.** Mathew Lyon, a Vermont editor, charged Adams with "unbounded thirst for ridiculous pomp and for foolish adulation" and with "selfish avarice." For these words, he was punished by imprisonment for four months and by a fine of \$1000. Nine other convictions followed in the few months remaining of Federalist rule.

**415.** The Republicans turned for protection<sup>2</sup> to the State governments. The Federalists, drunk with power, had threatened

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<sup>1</sup> The denial of jury trial was defended on the ground that the Sixth Amendment applied only to "citizens."

<sup>2</sup> Jefferson wrote to George Mason (*Works*, Washington ed., IV, 257): "I consider those laws only an experiment on the American mind to see how far it will bear an avowed violation of the Constitution. If this goes down, we shall see attempted another act of Congress declaring that the President shall continue in office during life, reserving to another occasion the transfer of the succession to his heirs and the establishment of the Senate for life. That these things are in contemplation, I have no doubt."

tyranny: the Republicans, in panic, sought refuge in the doctrine of State sovereignty. Multitudes of popular meetings denounced the Alien and Sedition laws, properly enough; and the Republican legislatures of Virginia and Kentucky<sup>1</sup> suggested Nullification as a remedy.

[*The following page may be discussed with books open.*]

*The Virginia Resolutions* called upon the other States to join in declaring the Alien and Sedition Acts unconstitutional and therefore void. Just *how* the laws were to be *made* void was not clearly stated; but the resolutions affirmed:—

“That, in case of a deliberate, palpable, and dangerous exercise [by the Central government] of . . . powers not granted by the said compact [the Constitution], the States . . . have the right, and are in duty bound, to *interpose*.”

*The first Kentucky Resolutions* affirmed:—

(1) “That whensoever the General Government assumes undelegated powers, its acts are unauthoritative, void, and of no force”; (2) “that the government created by this compact [the Constitution] *was not made the exclusive or final judge of the extent of the powers* delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers”; (3) “that to this compact each State acceded as a State, and is *an integral party*, its co-States forming . . . *the other party*”; (4) “that, as in all other cases of compact among parties *having no common judge*, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress”; and (5) “that this Commonwealth is determined, as it doubts not its co-States are, tamely to submit to undelegated . . . powers in no . . . body of men on earth.”

*The only action* suggested by the Resolutions is that the other States “unite with this Commonwealth *in requesting the repeal* [of the objectionable legislation] at the next session of Con-

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<sup>1</sup>Jefferson wrote the first draft of the resolutions for Kentucky; Madison, for Virginia, in somewhat gentler form. Indeed, the first set of Kentucky Resolutions, in 1798, did not contain the word *Nullification*, though it was used in debate, but it appeared explicitly in a second set, in 1799,

gress.”<sup>1</sup> In the debate, however, the leading advocate of the Resolutions added:—

“If upon the representations of the States, from whom they derive their powers, they [Congress] should nevertheless attempt to enforce [those laws], I hesitate not to declare it as my opinion that it is then the right and the duty of the several States to *nullify* those acts, and to protect their citizens from their operation. But I hope and trust such an event will never happen, and that Congress will always have sufficient virtue, wisdom, and prudence, *upon the representation of a majority of the States*, to expunge all obnoxious laws.”

Apparently, this leader did not mean nullification by one State, unless a *majority* of States favored such action. Had he made the proportion *three fourths*, he would have had the number of States necessary to override a law *by constitutional amendment*. “Nullification” in these resolutions is a vague thing,—vastly different from the precise and definite claim of Calhoun in 1830 as to the right of any State to act upon its own judgment (§ 579).

**416.** The war frenzy of 1798–1799 had *momentarily* put the Federalists in control of most of the State legislatures. This explains why **the Southern States in general made no response to the Virginia and Kentucky appeals**. Several Northern legislatures condemned those Resolutions severely,—denying the Kentucky doctrine that there was “no common judge” between a State and the Union, and *affirming that the Supreme Court filled that position*.

This, of course, has come now to be the universal belief. In that day, however, the doctrine that there was “no common judge” was not surprising. The Supreme Court itself had not yet *used* the power to pass upon the constitutionality of the Acts of Congress. It had not even claimed that right, and was not to do so for some more years (§ 451). And fifteen years later the New England States, that now asserted its power, denied it fiercely—in the precise words of the Kentucky Resolutions (§ 482).

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<sup>1</sup> MacDonald's *Select Documents* gives these Resolutions and also the Alien and Sedition laws (pp. 137 ff.).

417. It is well, however, for the student, at this stage, to realize that nullification, whether of Jefferson's brand in 1798, or New England's in 1814, or Calhoun's in 1830, was absurd in logic, and would have been anarchic in practice. Any group of citizens or of States which feels itself sufficiently oppressed, has the *natural* right to rebel, and to change the government by revolution, if it can, — as America did in 1776. *The right of revolution is the fundamental guarantee for liberty* in organized society. The question regarding it is never one of *abstract right* but always of *concrete righteousness under given conditions*. In result, too, revolution means either that the government will be confirmed, or that another government will be substituted for it. But nullification meant a *constitutional* right to reduce the government to a shadow while claiming its protection.

EXERCISE — Recent events give interest to the fact that the two objectionable laws regarding aliens, named above, were accompanied by a third “Alien Act” regarding “alien enemies.” This last law was highly proper, and is still in force. It authorizes the President to expel from the country, or in other ways to treat as enemies, all resident aliens who are citizens of a country with which we are at war, if he think such action needful.

## CHAPTER XXXVIII

### EXPIRING FEDERALISM

*The blunder of the Federalists [in passing the Alien and Sedition Acts] was not an accidental one. . . . It was thoroughly characteristic. It sprang out of a distrust of the masses ; a belief that the people must always be repressed or led ; a reliance on Powers, Estates, and Vested Interests within the Commonwealth ; a readiness to use force ;—all of which were of the essence of the aristocratic politics of the last quarter of the eighteenth century. — WALKER, Making of the Nation.*

**418.** The Federalist leaders had fallen into foolish blunders (like the house tax) because they did not understand popular feeling ; and they had attempted reactionary and despotic measures (like the Sedition Act) because they did not believe in popular government. They **were out of touch with the most wholesome tendency of the times.** The brief reactionary movement of 1783–1793 was dying, and *the people had resumed their march toward democracy.* Patriotism had temporarily rallied the nation to the support of the Federalist administration when that administration had been insulted by the arrogant French Directory ; but with the passing of that foreign danger, passed also the chance of further Federalist rule.

**419.** For the election of 1800, the Federalists tried to bolster their cause by inducing Washington to be a candidate once more. His refusal and his sudden death threw them back upon Adams, whose old Revolutionary popularity made him still their most available man. The Republican candidates were Jefferson and Burr (the latter a sharp New York politician).

Lacking true majorities the **Federalists strove to manufacture false ones.** The electoral vote finally stood only 73 to 65 against them ; but 20 of these 65 electors they got by disreputable trickery, against the will of the people.

**420.** Of several instances, only one can be told here. In *Pennsylvania* the new House of Representatives was strongly Republican; but hold-over members, from the war-election, kept the Senate Federalist.<sup>1</sup> So far, that State had always chosen its electors by popular vote. This time the Senate would not agree to the necessary law (since that method would give most of the districts to the Republicans). There being no law on the matter, it was then necessary for the legislature itself to choose electors. All elections by that body had been by joint ballot, but the Senate now insisted upon a concurrent vote (cf. § 365). It finally compromised upon a scheme which allowed it to name seven of the fifteen electors.

This shabby trick — a deliberate violation of a popular mandate — was loudly applauded by the Federalists as lofty patriotism. The *Philadelphia United States Gazette* said of the Federalist Senators: “[They] deserve the praises and blessings of all America. They have checked the mad enthusiasm of a deluded populace. . . . *They have saved a falling world.*”

**421.** When it was plain that the people had turned the Federalists out of all the *elective* branches of the government, the expiring and repudiated Congress and President used the few days left them unscrupulously to entrench their party in the *appointive* judiciary, — “that part of the government upon which all the rest hinges.”

The infamous Judiciary Act of 1801 had three main parts. (1) To lessen Jefferson's chances of making appointments to the Supreme Court it provided that the first vacancy should not be filled, but that the number of Justices should at that future time be reduced by one. (2) New Circuit Courts were created (§ 372), and the number of circuits was increased to six, with three judges for each except the last. This made places for sixteen new judges, *to be immediately appointed by Adams in the remaining nineteen days of his administration.* (3) The number of District Courts was increased from thirteen to twenty-three, making places *for eight more such appointments.* In addition, of course, there were clerks and marshals to be named for all these new courts.

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<sup>1</sup> In a new constitution, in 1790, Pennsylvania exchanged its one-House legislature for the prevalent two-chambered system.

The Federalists justified the bill flimsily by urging the need of the *separate* circuit courts to protect the "overworked" Supreme Court Justices. But, in plain fact, the Supreme Court had never been overworked. It had then only ten cases before it, and, in the preceding ten years of its life, it had had fewer cases than are customary in one year now. The weakness of the Federalist argument appears in the fact that the bill *was* repealed at once (§ 447) and the old order was restored *and maintained seventy years longer*.

**422.** Adams was not able to make his last appointments under the new law until late on the last evening of his term of office; and the judges so appointed have gone in history by the name of "**the Midnight Judges.**" One of the worst features of a thoroughly bad business was that *these appointments were used to take care of Federalist politicians now thrown out of any other job*. The Constitution prevented the appointment of members of the expiring Congress to any of the new judgeships *just created by them* (Art. I, sec. 6); but this provision was *evaded* with as little compunction as went to thwarting the will of the people. Former District judges were promoted to the new Circuit judgeships, and *their* former places were filled by "retired" Federalist congressmen. The Federalists, exclaimed John Randolph, had turned the judiciary into "a hospital for decayed politicians."

The people at the polls had repudiated certain men for government positions; but President Adams, the people's representative, thought it proper *to place those men in more important government positions for life*, where the people could not touch them. This sad abuse of the Presidential power has had much later imitation. *Such a practice is repugnant to every principle of representative government.*

**423.** The desperate Federalists *tried* also to rob the majority of its choice for *the Presidency*. This led almost to civil war. Jefferson and Burr had received the same electoral vote. Every Republican had intended Jefferson for President and Burr for second place; but, under the clumsy provision of the Constitution (§ 390) the election *between these two* was now left

to the *old* House of Representatives, in which the Federalists had their expiring war majority.<sup>1</sup>

The Federalists planned to create a deadlock and prevent any election until after March 4. Then they could declare government at a standstill and elect the presiding officer of the old Senate as President of the country. Jefferson wrote at the time that they were kept from this attempt only by definite threats that it would be the signal for the Middle States to arm and call a convention to revise the Constitution.

**424. The Federalists then tried another trick** which would equally have cheated the nation of its will. The House of Representatives had the *legal* right to choose Burr for President, instead of Jefferson. It *seemed bent upon doing so*; but Hamilton rendered his last great service to his country by opposing and preventing such action.<sup>2</sup> So, after a delay of five weeks, and thirty-six ballotings, *the House chose Jefferson President*. Early in the next Congress the *Twelfth amendment* was proposed and ratified, for naming separately President and Vice President on the electoral ballots.

**425. The fatal fault of the Federalist leaders** was their fundamental disbelief in popular government. After Jefferson's victory, in 1800, this feeling found violent expression. Fisher Ames, a Boston idol, declared: "Our country is too big for union, too sordid for patriotism, *too democratic for liberty*. . . . Its vice will govern it. . . . This is ordained for democracies." Cabot, another Massachusetts leader, affirmed, "We are democratic altogether, and I hold democracy, in its natural operation, to be the government of the worst." And Hamilton is reported to have exclaimed, pounding the table with clenched fist: "The people, sir! Your people is a great

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<sup>1</sup> The new House, elected some months before, but not to meet for nearly a year longer, was overwhelmingly Republican; but, by our awkward arrangement, the repudiated party remained in control at a critical moment.

<sup>2</sup> Hamilton does not seem to have felt the enormity of the proposed violation of the nation's will; but he knew Burr to be a reckless political adventurer, and thought his election more dangerous to the country than even the dreaded election of Jefferson.

beast." Dennie's *Portfolio*, the chief literary publication of the time, railed at greater length:—

"Democracy . . . is on trial here, and the issue will be civil war, desolation, and anarchy. No wise man but discerns its imperfections; no good man but shudders at its miseries; no honest man but proclaims its fraud; and no brave man but draws his sword against its force."

And Theodore Dwight of Connecticut (brother of the President of Yale College), in a Fourth of July oration, asserted:—

"The great object of Jacobinism<sup>1</sup> . . . is to destroy every trace of civilization in the world, and force mankind back into a savage state. . . . We have a country governed by blockheads and knaves; the ties of marriage are severed and destroyed; our wives and daughters are thrown into the stews; our children are cast into the world from the breast and forgotten; filial piety is extinguished; and our surnames, the only mark of distinction among families, are abolished. Can the imagination paint anything more dreadful on this side hell?"

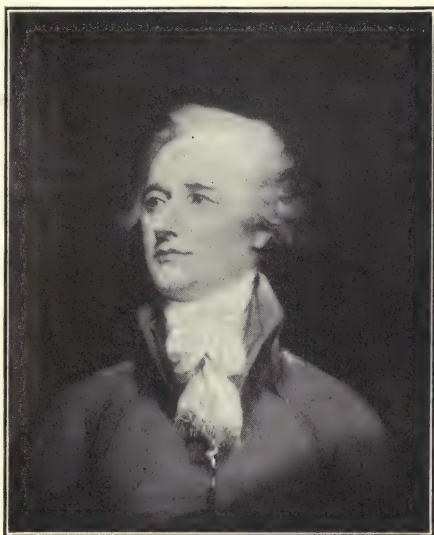
It was but a step from such twaddle to suspect Jefferson of designs upon the property or the life of Federalist leaders. Gouverneur Morris' diary for 1804 contains the passage: "Wednesday, January 18, I dined at [Rufus] King's with General Hamilton. . . . They were both alarmed at the conduct of our rulers, and think the Constitution about to be overthrown: I think it already overthrown. They apprehend a bloody anarchy: I apprehend an anarchy in which property, not lives, will be sacrificed." And Fisher Ames wrote: "My health is good for nothing, but . . . if the Jacobins make haste, I may yet live to be hanged." In 1804, in a Connecticut town, an applauded Fourth of July toast to the "President of the United States" ran—"Thomas Jefferson: may he receive from his fellow citizens the reward of his merit—a halter!"

**426.** These faults must not obscure the vast service the Federalists had rendered. **Alexander Hamilton is the hero of the twelve-year Federalist period.** He should be judged in the main by his work in the years 1789-1793. During that critical era,

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<sup>1</sup> A term borrowed from the French Revolution, and applied to the Republicans by their opponents.

he stood forth — as no other man of the day could have done — as statesman-general in the conflict between order and anarchy, union and disunion. His constructive work and his genius for organization were then as indispensable to his country as Jefferson's democratic faith and inspiration were to be later. Except for Hamilton, there would hardly have been a Nation for Jefferson to Americanize. We may rejoice that Hamilton did not have his whole will; but we must recognize that the forces he set in motion made the Union none too strong to withstand the trials of the years that followed.



ALEXANDER HAMILTON. From the painting by Trumbull in the School of Fine Arts at Yale.

Those centralizing forces may be summarized concisely. The tremendous *support of capital* was secured for almost any claim the government might make to doubtful powers. Congress set the example of *exercising doubtful and unenumerated powers*; and a cover was devised for such practice in the *doctrine of implied powers*. The *appellate jurisdiction* conferred on the Supreme Court was to enable it to defend and extend this doctrine. Congress began to add *new States* with greater dependence of feeling upon the National government. And the people at large began to feel a *new dignity and many material gains* from a strong Union.

## PART VII

### JEFFERSONIAN REPUBLICANISM, 1800-1830

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#### CHAPTER XXXIX

##### AMERICA IN 1800

**427.** From Jefferson to Lincoln, six great lines of growth mark our history: our *territory expanded* tremendously; we won our *intellectual independence* from Old World opinion; *democracy spread* and deepened; our *industrial system grew vastly complex*; *slavery was abolished*; and *Nationalism triumphed* over disunion.

**428.** Territorial expansion was the warp through which ran the other threads of growth. The expansion of civilization into waste spaces marked *world history* in the nineteenth century. England and Russia led in the movement; but not even for them was this growth so much the soul of things as it was for us.

*It made us truly American.* Our tidewater communities remained "colonial" in feeling long after they became independent politically,—still hanging timorously on Old-World approval. Only when our people had climbed the mountain crests and turned their faces in earnest to the great West, did they cease to look to Europe for standards of thought.

*It made us democratic.* The communities progressive in politics have always been the frontier parts of the country,—first the western sections of the original States, and then successive layers of new States.

*It created our complex industrialism,* with the dependence of

one section upon another ; and so *it brought on our conflict between slave and free labor.*

*It fostered nationality.* The original thirteen States, scattered amid the forests and marshes of the Atlantic slope, long clung to their jealous, separatist tendencies. But expansion into the Mississippi valley, wrought out by nature for the home of *one* mighty industrial empire, transformed that handful of jangling communities into a continental nation.

Europe is "convex" toward the sky. Mountains and seas form many walls and moats, and rivers disperse from the center toward the extremities. And so ten nations there divide an area smaller than the Mississippi valley. America is a "vast concave." Its mountains guard the frontiers only. Its streams concentrate, and so tend to unity industrial and political.

**429.** Throughout the nineteenth century, Americans exulted in their country's growth. Sometimes, it is true, this exultation expressed itself clumsily, as cheap spread-eagleism or insolent jingoism ; and well-meaning critics, more refined than robust, saw in the buoyant self-confidence of the people only vulgar and grotesque boastfulness about *material* bigness. But the plain people felt a truth that the cultured critic missed. They knew that this growth was not *mere* growth. The sinewy, saturnine frontiersman, winning a home for his children in the wilderness with his long rifle and light axe, was building also the home needful for the true life of the nation. The Titanic struggle with a savage continent was the great American epic ; and it fired the heart and imagination of a hardy race. First among American writers, Lowell fixed that poem in words,—and happily in the dialect of the original frontiersman :—

"O strange New World ! That never yit wast young ;  
Whose youth from thee by grippin' need was wrung ;  
Brown foundlin' o' the woods, whose baby-bed  
Was prowled roun' by the Injun's cracklin' tread,  
And who grewst strong thru shifts, and wants, and pains,  
Nursed by stern men with empires in their brains,

Who saw in vision their young Ishmael strain  
In each hard hand a vassal Ocean's mane !  
Thou taught by freedom, and by great events,  
To pitch new States as old-World men pitch tents ! ”

**430. This larger America had marvelous physical advantages.** For communication with the outside world, the two oceans and the Gulf give to the United States *a coast line* equaled only by Europe's. Rivers and the shore of the Great Lakes add 19,000 miles of navigable *interior waterways*, — a condition absolutely beyond parallel in any other equal portion of the globe. More than four fifths of these water roads are grouped in the Lake system and the Mississippi system. These are virtually *one* vast system, opening on the sea on two sides and draining more than a million square miles of territory. This gives to cities a thousand miles inland the advantages of seacoast ports, and binds together, for instance, Pittsburg and Kansas City, on opposite slopes of the great valley a thousand miles across.

Above the limit of navigation, these streams, and others, furnish **an unrivaled water power**. Many years ago, Professor Shaler estimated that the energy already derived from the streams of this country exceeded that from the streams of all the rest of the world. This power was of particular importance in colonial days. Then, for a hundred years, it lost value, relatively, after the invention of steam. But now, with new devices to turn it into electric power, it looms again a chief factor in future wealth.

The Appalachian system contains **rich deposits of coal and iron** in close neighborhood ; while the Great Lakes make communication easy between Appalachian coal and Lake Superior iron. Other mineral deposits needful in industry exist in abundance, well distributed over the country, — copper, lead, zinc, building stone, gold and silver, salt, phosphates, clays, cements, graphite, grindstones, and a small amount of aluminum. In 1800, **great forests** still stretched from the Atlantic to Illinois, Western Kentucky, and Northern Minnesota ; and



the vast woods of the Pacific slope became ours at a later date.

**431.** The population in 1800 counted 5,308,483, of whom a fifth were slaves.<sup>1</sup> Two thirds of the Whites were north of Mason and Dixon's line (§ 171) and *nine tenths of the whole population dwelt east of the mountains*. The land was untamed, — forests hardly touched, and minerals undisturbed. Even in the coast district, settlement had only spotted the primeval wilderness; and rough fishing hamlets marked havens where now bristle innumerable masts and smokestacks.

**432.** The great bulk of the people lived in little agricultural villages or in the outlying cabin farms. **Less than one twentieth**



MOVEMENT OF CENTERS OF POPULATION (●) AND MANUFACTURES (+).  
The Census Bureau did not determine the center of manufactures for 1910.

were "urban." By the first census (1790), only six towns had six thousand people: Philadelphia, 42,500; New York, 32,000; Boston, 18,000; Charleston, 16,000; Baltimore, 14,000; and Providence, 6000. By 1800 these figures had risen to 70,000, 60,000, 24,000, 20,000, 26,000, and 8000. The first three cities had begun to pave their streets with cobblestones, to light them with dimly flaring lamps, and to bring in wholesome drinking water in wooden pipes; but police systems and fire protection hardly existed, and the complete absence of sewers resulted in incessant fevers and plagues.

<sup>1</sup> Population had more than doubled since Lexington. Cf. § 200.





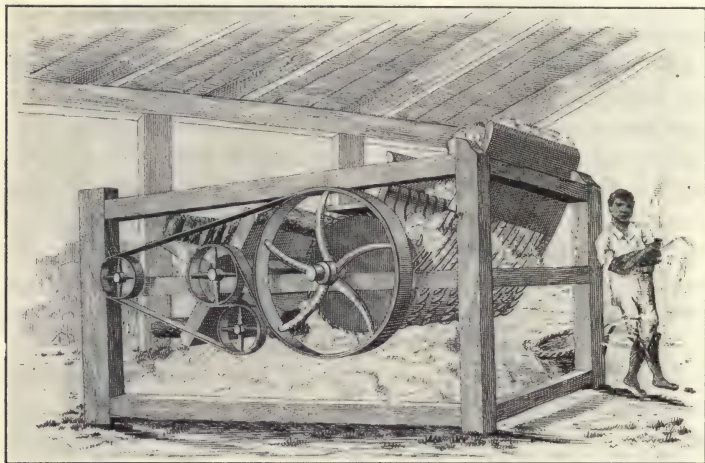
**433.** The westward march of our population had barely begun. In 1800 the "center of population" was eighteen miles west of Baltimore. Ten years before, it had been forty-one miles farther east. The half million people west of the mountains dwelt still in four or five isolated groups, all included in a broad, irregular wedge of territory with its apex reaching not quite to the Mississippi (map, facing p. 269). The greater part of our own half of the great valley was yet unknown even to the frontiersman. In his inaugural, Jefferson, enthusiast that he was regarding his country's future, asserted that we then had "room enough for our descendants to the hundredth and even thousandth generation." Before his next inaugural, he was to double that territory.

**434.** Communication remained much as before the Revolution. The States had little more intercourse with one another, as yet, than the colonies had enjoyed. The lowest letter postage was eight cents: from New York to Boston it was twenty cents. In 1790 there were only 75 post offices in the country<sup>1</sup>—for a territory and population which under modern conditions would have some 6000. A traveler could jolt by clumsy and cramped stagecoach, at four miles an hour, from Boston to New York in three days, and on to Philadelphia in two days more—longer than it now takes to go from Boston to San Francisco. Such travel, too, cost from three to four times as much as modern travel by rail. South of the Potomac, traveling was possible only on horseback—with frequent embarrassments from absence of bridges or ferries. Between 1790 and 1800, a few canals were constructed, and attention was turning to the possibilities in that means of communication. Freights by land averaged, it is computed, ten cents a mile per ton, even in the settled areas,—or ten times the rates our railroads charge. Merely to *move* sugar from the coast to any point 300 miles inland cost more than sugar sells for to-day anywhere in the country.

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<sup>1</sup> This was three times the number at the opening of the Revolution. England had introduced a postal system into the colonies, but it was very crude.

**435.** Occupations had changed little since 1775 (§§ 203 ff.). The year after the peace with England saw the first American voyage to China; and shipmasters began at once to reach out for the attractive profits of that *Oriental trade*. . The European wars were favoring our *carrying trade with the Old World*. John Jacob Astor was organizing the great *American Fur Company*, to follow the furs into the far Northwest. *Manufactures* were making a little progress. A few iron mills were at work; and, between 1790 and 1812, some of the machinery recently invented in England for spinning and weaving cotton was introduced. In England, by 1800, such machinery had worked an



AN EARLY COTTON GIN. By the courtesy of the Library of Congress.

“Industrial Revolution”;<sup>1</sup> but it did not come into use extensively here until nearly 1830 (528 ff.).

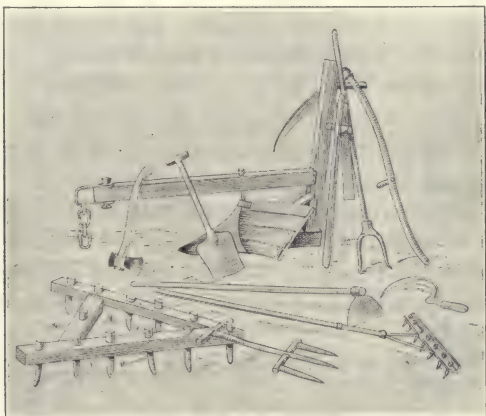
**436.** For America the chief result of the Industrial Revolution at this time was *England's increased demand for raw cotton for her new factories*. Cotton had been costly because the seed had always had to be separated from the fiber by hand. But

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<sup>1</sup> *Modern World*, chs. xlii-xliv.

in 1793 Eli Whitney, a Connecticut schoolmaster in Georgia, invented an "engine" for this work. This *cotton gin* was simple enough to be run by a slave; and with it one man could "clean" as much cotton as 300 men could by hand. Southern planters at once gave their attention to meeting the new English demand. In 1791 we exported only 200,000 pounds: *in 1800 the amount was 100 times that*; and this was doubled the third year after. Soon the South could boast, "**Cotton is King.**"

**437. Farming tools and methods had improved little in four thousand years.** The American farmer with strenuous toil



FARM TOOLS. The wagon is the only machinery not here included.

scratched the soil with a clumsy wooden homemade bull plow. He had no other machines for horses to draw, except a rude harrow and a cart. He sowed his grain by hand, cut it with the sickle of primitive times, and thrashed it out on the barn floor with the flail—older than history—if he did not tread it out by cattle, as the ancient Egyptians did. The first threshing machine had been invented in 1785, but it had not yet come into use. The cradle-scythe—a hand tool, but a vast improvement over the old sickle—was patented in 1803. The first improvements on the plow date from experiments on

different shapes of mold boards by Thomas Jefferson. Soon after 1800 appeared the cast-iron wheeled plow. This was soon to work a revolution — permitting deeper and more rapid tillage; but for some years farmers refused to use it, asserting that the iron “poisoned” the ground. Drills, seeders, mowers, reapers, binders, were still in the future.

**438.** In the cities a small class of merchants imitated in a quiet way the luxury of the corresponding class in England, — with spacious homes, silver-laden tables, and, on occasion, crimson-velvet attire. The great planters of the South, too, lived in open-handed wastefulness, though with little real comfort. Otherwise **American society was simple and frugal**, — with a standard of living far below that of to-day. Necessities of life cost more (so far as they were not produced in the home), and wages were lower. Hodcarrier and skilled mason received about *half the wage* (in purchasing value) *paid for corresponding labor to-day*, and for a labor day lasting from sunrise to sunset.<sup>1</sup> The unskilled laborers who toiled on the public buildings and streets of Washington from 1793 to 1800 received seventy dollars a *year* “and found” — which did *not* include clothing. And the income of the professional classes was insignificant by later standards.

Says Henry Adams (I, 21): “Many a country clergyman, eminent for piety and even for hospitality, brought up a family and laid aside some savings on a salary of five hundred dollars a year. President Dwight [of Yale] . . . eulogizing the life of Abijah Weld, pastor of Attleborough, declared that on a salary of \$250 Mr. Weld brought up eleven children, besides keeping a hospitable house and maintaining charity to the poor.” Such ministers usually eked out their salaries by tilling small farms with their own hands.

The homes of farmers and mechanics found clean sand a substitute for carpets, and pewter or wooden dishes sufficient for tableware. There was no linen on the table; nor prints on the

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<sup>1</sup> These wages were fifty per cent better than before the Revolution, — so that John Jay, high-minded gentleman that he was, complains bitterly about the “exorbitant” wages demanded by artisans, much as John Winthrop did in 1632.

walls; nor many books, nor any periodicals, to be seen (unless perhaps a small weekly paper). No woman had ever cooked by a stove. Household lights were dim, ill-smelling candles, molded in the home, or smoky wicks in whale-oil lamps. If a householder let his fire "go out," he borrowed live coals from a neighbor or struck sparks into tinder with flint and steel. If man or child had to have an arm amputated, or broken bones set, the pain had to be borne without the merciful aid of anæsthetics.

The village shop made and sold shoes and hats. All the other clothing of the ordinary family was homemade, and from homespun cloth. The awkward shapes of coat and trousers that resulted from such tailoring long remained marked features in Yankee caricature. And says Professor McMaster, —

"Many a well-to-do father of a family of to-day expends each year on coats and frocks and finery a sum sufficient a hundred years ago to have defrayed the public expenses of a flourishing village, — schoolmaster, constable, and highways included."

Farmer, mechanic, and "storekeeper" all had plain food in abundance, but in little variety. Breakfast, "dinner," and "supper" saw much the same combinations of salt pork, salt fish, potatoes and turnips, ryè bread, and dried apples, with fresh meat for the town mechanic perhaps once a week. Among vegetables not yet known were cauliflower, sweet corn, lettuce, cantaloupes, rhubarb, and tomatoes; while tropical fruits, like oranges and bananas, were the rare luxuries of the rich. Even the rich could not have ice in summer.

*In all externals, life was to change more in the next hundred years than it had changed in the past thousand.*

**439. Political standards were low**, as we have seen. Says Professor McMaster (*With the Fathers*, 71):—"In all the frauds and tricks that go to make up the worst form of 'practical politics' — the men who founded our State and National governments were always our equals and often our masters."

To be sure there was less bribery than in more recent times. The great corporations, — railways, municipal lighting companies, and so on, — which, in their contest for special privileges, were to become the chief source of corrupting later legislatures and city councils, had not yet appeared. *Public servants had infinitely less temptation to betray their trust for private gain than now; but public opinion as to the crime was far less sensitive than to-day.*

**440.** For private life, drunkenness was the American vice — with victims in all classes and in almost every family. The diet (§ 438) created a universal craving for strong drink. Foreigners complained, too, of a lack of cleanliness, and were shocked by the brutal fights at public gatherings, with biting off of ears and gouging out of eyes as commonplace accompaniments. Likewise, they found American society coarse and immodest in conversation (like English society two generations earlier), but not immoral in conduct.

As everywhere else in the world, barbarous legal punishments and loathsome jail life still flourished. The insane were caged, like wild beasts, in dungeons underneath the ordinary prisons; and *debt brought more men to prison than any crime.*

**441.** America was justly famous for its *political writings* in connection with the Revolution and the Constitution. Otherwise, after the death of Franklin, **the country had had no man of letters; and it had little desire for literature.** *Painting* reached a high point with Copley, Stuart, and Benjamin West; but these American artists could not earn a mechanic's living at home, and were forced to seek patronage in England. New England had developed her remarkable system of *private endowed academies*, for a few bright and energetic boys, as fitting schools for college; but the Boston Latin School was almost the only survivor of the Puritan attempt at *public* "grammar schools." Several more colleges had been organized toward 1800 (cf. § 198); but the instruction was barren, and attendance was meager. Harvard had a faculty of a president, three professors, and four tutors. *The elementary schools,*

even in New England, had decayed, commonly, into a two-months' badly taught term in winter, for boys, and a like term, worse taught, in summer, for girls.

In the South, North Carolina and Georgia were trying, rather feebly, to redeem the pledges of their democratic constitutions (§ 270). North Carolina had established fourteen academies, supported by land grants and *State lotteries*; and Georgia set aside large amounts of wild land and of confiscated Loyalist property to support schools and academies. That



HARVARD COLLEGE ABOUT 1770. From an engraving by Paul Revere.

State also *planned* a noble "university" — which was to comprise all the public schools of all grades. Distinct instruction in law and medicine was beginning in two or three of the larger colleges; but, for many years to come, most young men who wished to become lawyers or doctors, prepared themselves mainly by studying in the office of an older practitioner. Most colleges offered training in theology.

**442.** Three hopeful conditions in American life in 1800, not yet touched upon, explain in large measure the wonderful progress of our people in the century that followed. These were the *abundance of free land*, the *intellectual activity among*

*even the agricultural classes; and the peculiar American talent for mechanical invention.*

a. Free land, to be had for the taking, had been from the beginning the basis of American democracy. In colonial times it had protected the artisan against attempts by the aristocratic classes to keep down his wages by law — since he could lay aside his trade for a farm. So, too, in 1800, free land *for some* meant better wages and industrial freedom *for all* the working classes. True, wages and the standard of living were still low (§ 438); but this was because no great amount of wealth had been accumulated. Such wealth and comfort as existed was *distributed less unequally than now*.

For the farming class itself, too, free land meant that only the best soils had to be used, and that, even on them, there was no such demand for costly fertilizing as in the Old World. Agriculture, the main American industry, was amazingly productive, even with the primitive methods of that day.

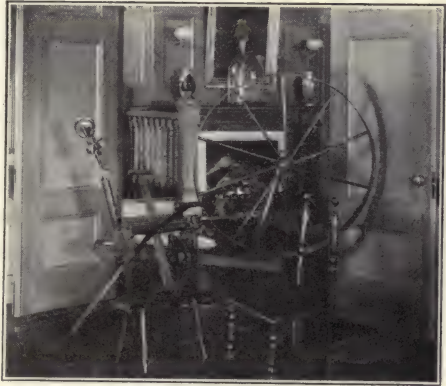
*This free land, however, was already becoming harder to get.* At the close of the Revolution, Virginia and other States with large unsettled territory paid their soldiers largely in military “land warrants.” Each such warrant authorized the *holder* to locate and get title to a certain amount of any wild public land that suited him. But such lands were mainly at some distance from the settlements, and multitudes of soldiers sold their land warrants — often for a song — to large speculators, who then secured vast tracts in the most desirable districts. As early as 1784, Washington declared that such “forestallers” had left hardly a valuable spot in Virginia’s lands within reach of the Ohio. He had reason to know, — for he was just back from the West where he himself had located enormous holdings, partly on military warrants purchased from soldiers. (Cf. § 334.)

b. The second consideration was even more important. In every Old-World land the men who tilled the soil were a peasantry — slow, stolid, unenterprising, wholly distinct from the rest of society. Here, in 1800, the men who tilled the soil — to quote Francis A. Walker’s passage:—

"were the same kind of men precisely as those who filled the professions or were engaged in commercial or mechanical pursuits. Of two sons of the same mother, one [the weakling of the family perhaps, and so thought unfit for a farmer] became a lawyer, perhaps a judge, or went down to the city and became a merchant, or gave himself to political affairs and became a governor or a member of Congress. The other stayed upon the ancestral homestead, or made a new one for himself and his children out of the public domain, remaining all his life a plain hardworking farmer [the children of the two families mingling without suspicion of social or intellectual distinction]. . . . *There was then no other country in the world, . . . where equal mental activity and alertness [were] applied to the soil as to trade and industry.*"

c. Of mechanical insight and invention, to quote General Walker again,—"There is only one nation in the world to the *mass* of whose population

this form of genius can be attributed. That nation is our own. There are few Americans of American stock, at least throughout the Northern States, who have not mechanical aptitude in a measure which elsewhere would make them marked men. *'The American invents as the Greek chiselled, as the Venetian painted, as the modern Italian sings.'*"



A COLONIAL SPINNING WHEEL, now preserved in Daniel Webster's old home in Marshfield, Massachusetts. In Webster's boyhood, his mother, in the farm home, spun the wool for his clothing on this wheel or on one like it.

FOR FURTHER READING.—Henry Adams' *History of the United States during the First Administration of Thomas Jefferson*, I, 1-74. The next hundred pages of the same is advisable also. This is the best reference on American conditions in 1800. Francis A. Walker's *Making of a Nation* (66-72) treats the matter of the last section more satisfactorily

than any other publication : every student should read the seven pages in full. On geographical conditions, valuable readings may be found in any one of the following: Farrand's *Basis of American History*, chs. 1-4; Shaler's *The United States*, I, chs. 1-3 and 7-9; Shaler's chapters in Winsor's *Narrative and Critical History of America*, IV; Gannett's *Building of a Nation*.

## CHAPTER XL

### "THE REVOLUTION OF 1800"

*As real a revolution in the principles of our government, as that of 1776 was in its form.* — THOMAS JEFFERSON.

*A Republic, you tell me, is a government in which the People have an essential **share** in the Sovereignty. Is not the **whole** Sovereignty, my friend, essentially in the People?* — SAMUEL ADAMS, in a letter to John Adams in 1790.

**443.** From 1801 to 1809, American history is sometimes called "the biography of Thomas Jefferson." The nation believed in him; Congress swayed to his wish; his great Secretaries (Madison for State affairs, and Gallatin<sup>1</sup> for the Treasury) admired and followed him.

Jefferson was six feet, two and a half inches tall. His frame was vigorous but loose-jointed. His hair was sandy; and his face irregular, freckled, and sunny. He was an athletic and reckless horseman, an enthusiastic farmer, and the valued correspondent of the most famous scholars of Europe. The accounts of contemporaries show him, sitting on one hip with neglected dress and slippers down-at-the-heel, chatting with rambling charm; or, with methodical industry, recording minutest weather details; or drawing up neat tables to show, through a period of several years, the dates for the appearance of thirty-seven vegetables in the Washington markets; or reporting judicial decisions;<sup>2</sup> or devising rules for parliamentary pro-

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<sup>1</sup> Gallatin was a Swiss emigrant, and, for some years past, a leader of the radical Republican party in Pennsylvania. He had been identified with the earlier stages of the movement that resulted in the Whisky Rebellion. He had keenly criticized Hamilton's financial policy; and, next to Hamilton, he proved perhaps our greatest Secretary of the Treasury.

<sup>2</sup> Among the first judicial "Reports."

cedure;<sup>1</sup> or directing, with gentle suggestion, the politics of a distant State; or discussing with a French scientist the latest discovery in that celebrity's special field; or inditing some other form of that voluminous correspondence which well earns him the title "the greatest American letter-writer."

**444.** In 1800 Jefferson had already had a distinguished career. He entered the Virginia Assembly in the memorable session of 1769 (§ 239). Four years later he was one of the leaders in that body in organizing the first Intercolonial Committee of Correspondence (§ 244). In 1775 he became a delegate to the Continental Congress. A year later he was again in the Virginia Assembly, to lead a social revolution in that State, by legislation, amid all the turmoil of war. Under his guidance, the reform party, in 1777-1778, (1) prohibited further importation of slaves into the State; (2) swept away the church establishment, along with every vestige of ancient checks upon religious freedom; (3) overthrew entail and primogeniture<sup>2</sup>—the semifeudal bulwarks of the landed aristocracy; and (4) replaced the complex barbarities of the old legal system (§ 192) by a new code simple, compact, and humane.

Jefferson's views had been even more far-reaching than the actual accomplishment. He had hoped for gradual emancipation of slaves and for a noble system of public schools. The latter scheme he returned to enthusiastically, but with little result, in his old age; and he did at last carry out his plans for reorganizing the University of Virginia—on the main lines along which the State universities were afterwards to develop.

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<sup>1</sup> The first volume of its kind, and long the only one.

<sup>2</sup> Cf. § 204 and note, and § 313, note. The aristocratic opposition was particularly bitter here. The leaders pleaded for at least a double inheritance for the oldest son. Not unless it can be shown that the oldest son needs twice as much to feed and clothe him, replied Jefferson. Soon after, Jefferson's only son, a babe, died from exposure in a mid-winter flight from a Tory raid; and the aristocratic planters were not ashamed to call this calamity a "righteous judgment of God," destroying the family of the man who had wished to destroy all families. In this legislative struggle, Jefferson was supported by the solid backing of the western Scotch-Irish counties (§ 231 b). His victory Americanized Virginia and consolidated there the Democratic party he was afterward to organize for the nation at large.

For the next two years (1779-1780) Jefferson served as governor of Virginia. Then after brief retirement, due to private griefs, he reappeared in the Continental Congress in 1783, for brief but distinguished service (§§ 312, 314). Next we see him American Minister in France. He watched the early stages of the French Revolution with eager sympathy, and while preserving in public the impartial attitude proper for a foreign minister, he was in private the valued adviser of Lafayette and other reformers, whose inexperienced enthusiasm he was sometimes able to direct wisely.

French thought now secured a strong influence upon him; but his admiration for that country in no way weakened his patriotism. He urged Monroe to come to Europe, "because it will make you adore your own country, its soil, climate, equality, liberty, laws, people, manners"; and he predicted that, while many Europeans would remove to America, no man then living would see an American seek a home in Europe. In 1790 he returned to America to take a place in Washington's Cabinet, and then to build skillfully the party of the people, which triumphed in his election to the presidency.

**445. The two things** that men remember against this broad background of varied activity are: (1) that Jefferson gave immortal form to the principles of our political Revolution of 1776, in the Declaration of Independence; and (2) that he stood for the democratic aspirations of the social "revolution of 1800." The modest shaft that marks his resting place bears only the words (selected by himself), "Author of the Declaration of Independence, of the statute of Virginia for Religious freedom, and Father of the University of Virginia." With true insight, Jefferson represented in that epitaph his work in three *related* fields, — political liberty, religious liberty, and higher popular education. History adds the proud dictum of one of his biographers: "If America is right, Thomas Jefferson was right."

It is characteristic that, at the close of his brief Autobiography, in counting up his services to his fellows, Jefferson gives prominent place to his efforts in making navigable a Virginia creek and to his introducing

into South Carolina a heavier and better rice than was before grown in America. "The greatest service which can be rendered to any country," he comments, "is to add a useful plant to its cultivation."

**446. Jefferson's political principles**, for *domestic concerns*, were (1) trust in the people; (2) restriction of all government,<sup>1</sup> especially of the Central government; (3) frugality; (4) simplicity; and (5) "encouragement of agriculture, and of commerce as her handmaid," rather than of manufactures.

*As to foreign affairs* he hoped to begin a golden age of peace. War was a blunder. Army and navy we could dispense with. At most, we could need only "commercial coercion" to secure our rights from other nations: "Our commerce is so valuable to them," he argued, "that they will be glad to purchase it when the only price we ask is that they do us justice."

These principles are summed up admirably in Jefferson's first inaugural. "Absolute acquiescence in the decisions of the majority is the vital principle of republics." The best government is one that "while it restrains men from injuring one another, shall leave them otherwise free to regulate their own pursuits, and shall not take from the mouth of labor the bread it has earned." He declares his purpose to secure "equal and exact justice to all men"; and to defend "freedom of religion, freedom of the press, and freedom of the person."

Years later, when rude experience had shattered his noble dream of *universal peace*, Jefferson turned to a vision of a *New-World peace*, with the United States as the protecting elder brother of American nations. He hopes for "fraternization among all American nations," and dwells upon the importance of their "coalescing in an American policy totally independent of that of Europe," adding, "When our strength will permit us to give the law to our hemisphere, it should be that the meridian of the mid-Atlantic should be the line of demarcation between peace and war, —

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<sup>1</sup> Government in that day was almost wholly oppressive, — or beneficent to a privileged class only, at the expense of other classes. It did not yet dream of providing schools, libraries, hospitals, asylums, weather bureaus, or the manifold other activities of general helpfulness now belonging to it. In the closing years of his administration, Jefferson became one of the early advocates of this wider helpfulness (§ 453).

on this side of which no act of hostility should be permitted." And again, "The day is not far distant when we [the United States] may formally require a median of partition through the ocean, on the hither side of which no European gun shall ever be fired, nor an American on the other, and when, during the rage of eternal war in Europe, the lion and the lamb within our regions shall lie down in peace."<sup>1</sup>

**447. The election of Jefferson marked a true peaceful revolution.** The nation had resumed its progress toward democracy, after the years of interruption due to the conservative crusade for a strong government. Jefferson urged a friend to accept a place in the Cabinet so that he might be of service "in the *new* establishment of Republicanism . . . hitherto we have seen only its travestie." *The change, however, was rather in the spirit of the administration than in its governmental acts.*

*Jeffersonian simplicity* has become a byword. At each previous inauguration, the President had been driven in state, in coach and six, to the ceremony. Jefferson walked quietly from his boarding house to the Capitol to take the oath of office. Washington had "opened" Congress in person by a speech that kept many hints of a resemblance to the English "speech from the throne"; and Congress had replied by drawing up an "address of thanks," and then driving in formal procession to the President's residence and standing bareheaded in his presence while it was read. Adams had jealously guarded all these trappings. But from the first, Jefferson set the example that all communication with Congress, even the opening messages, should be by writing.<sup>2</sup> In matters of hospitality at the White House, too, he discarded the elaborate and courtly ceremonial of Washington and Adams.

*Not much legal reform* was found necessary. The vicious Alien and Sedition Acts had been enacted for only two years, and had expired. The fourteen-year Naturalization law of 1797 was repealed, along with all internal revenue taxes

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<sup>1</sup> *Works*, Washington ed., VI, 33, 54, 268; VII, 168-169, 315-317.

<sup>2</sup> In 1913 Woodrow Wilson restored the *personal* speech to Congress *without* the original aristocratic trappings.

(whisky tax and stamp duties), and with the Judiciary Act of 1801.<sup>1</sup> In the past the administration had had the employment of whatever funds Congress raised. Now Jefferson and Gallatin limited their own tremendous power in this matter, by calling upon Congress to make *specific appropriations* only. This precedent has been followed ever since.

*The debt* had never been decreased by the Federalists; and the war flurry of 1798 had raised it, through new loans, to \$83,000,000, with an interest charge each year of \$3,500,000. During the last years of Federalist rule, moreover, *ordinary* expenditure had outrun ordinary income. One of Jefferson's dearest hopes was to abolish the national debt, and he and Gallatin planned to get rid of half of it in eight years. The \$6,000,000 formerly spent on army and navy was cut to \$1,000,000 (the army being decreased to 3000 men and most of the war vessels being docked), and every saving possible in any other department was rigidly enforced. In 1803 the purchase of Louisiana added \$15,000,000 to the debt, and war with the Barbary Pirates compelled more military expense. The giving up of internal taxes, too, had greatly reduced the revenue. Still Jefferson's promises were well kept: at the end of his eight years, the debt had been cut down to \$57,000,000, with an interest charge of only \$2,000,000 a year.

**448. Jefferson's most annoying problems had to do with the Civil Service.**<sup>2</sup> The Federalist Presidents had excluded Republicans from all office. They had not had to dismiss any: *none got in*. This policy, too, had been emphatically avowed.

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<sup>1</sup> The Federalists charged that this repeal was unconstitutional, and that the Republicans had dragged the judiciary into politics! Congress is forbidden by the Constitution to decrease the salary of a judge, or to dismiss him from office. Can it, then, take salary and office from the judge by abolishing the court? To prevent the Supreme Court from interfering with the repeal, another law adjourned the sittings of that body for some months.

<sup>2</sup> This term is applied to the active body of public servants outside the army and navy, and not including judges, legislators, and heads of executive departments.

Washington wrote to Pickering, his Secretary of War in his second administration: "I shall not, while I have the honor of administering the government, bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures the general government are pursuing; for this, in my opinion, would be a sort of political suicide." And Senator Bayard, as mouthpiece for Adams, declared, "The politics of the office-seeker will be the great object of the President's attention, and an invincible objection if different from his own."

Washington and Adams did not use office to pay for party services: they did use it to strengthen the "right party" (their party) and so "save the country." This attitude was morally very far from the later spoils system of Jackson's day, but it was practically sure to glide into that system.

Now had come the first change of party. If Jefferson followed Washington's policy to its logical conclusion, he would *dismiss all office holders*, to make room for Republicans. His opponents feared, and many supporters hoped, that he would do so. Jefferson removed only about twenty officials for political reasons, — these mainly Federal marshals and attorneys;<sup>2</sup> and in spite of all changes from various causes, *more than half of the officials of March 4, 1801, were still holding office four years later.*

Moreover, Jefferson and Gallatin were the first statesmen in the world to think out the principles upon which alone a non-partisan civil service can be permanently maintained. They saw and said that each officeholder ought to be at liberty to *think and vote* as his conscience led, but that, to preserve this freedom, he must refrain from "*electioneering activity*," or, in modern phrase, from "*offensive partisanship*."

Gallatin prepared a circular to warn subordinates in his department that "while freedom of opinion and freedom of suffrage are imprescriptible rights, the President would regard any exercise of *official* influence to control the same rights in others

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<sup>1</sup> From the very first, Jefferson stated his intention to change some of these officers, as the only means left him to partly correct the Federalist monopoly of the courts. The courts themselves he *could* not change, but he could keep open these "doorways."

as destructive of the fundamental principles of a Republican constitution." Gallatin makes clear that this was to apply to official activity *for* the administration as well as against it. Jefferson's views are set forth in his correspondence:—

"Mr. Adams' last appointments, *when he knew he was naming counsellors and aids for me* and not for himself, I set aside as far as depends on me, and will not deliver commissions where still in executive hands. Officers who have been guilty of gross abuses of office, such as marshals packing juries, etc. [to secure conviction under prosecution for "sedition"], I shall now remove, as my predecessor should have done. . . . *The right of opinion shall suffer no invasion from me*" (Letter to Gerry, March 29, 1801). He then thought that "of the thousands of officers in the United States, a very few individuals only, probably not twenty, will be removed" (Letter to Rush, March 24). Later he adds "industrious partisanship" as a proper cause for removal; and July 21, in reply to Federalist critics, he asks whether the minority expect to continue to monopolize the offices from which, when in power, they excluded *all* their opponents, and queries how a "due participation" for the majority is to be obtained, since vacancies "by death are few, by resignation, none." About a year later he admits that his program has not been followed "with the undeviating resolution I could have wished" (Letter to Lincoln, Oct. 25, 1802).

**449.** Even after the repeal of the Judiciary Act of 1801, the Federalists remained in complete possession of the courts. And the courts showed a bitter and shameful partisanship. Chief Justice Dana of Massachusetts, in 1798, *during a political campaign, in a charge to a grand jury*, attacked the Republican party (including Jefferson especially) as "*apostles of atheism, anarchy, bloodshed, and plunder.*" His charge was toasted at a Boston banquet, as dictated by "intelligence, integrity, and patriotism." Even Washington so approved it that he sent copies to his friends.

Justice Chase of the Supreme Court had given even greater cause of offense. In 1803, in a charge to a Maryland grand jury, he had declared that the Republican attempt in Maryland to establish manhood suffrage, "*will, in my judgment, take away all security for property and personal liberty [in that State]. . . . The modern doctrines . . . that all men . . .*

are entitled to equal liberty and equal rights have brought this mighty mischief upon us." Chase had presided also at two "sedition" trials, and had manifested there a partisan and brow-beating disposition. Twice his violence drove from the court the most eminent lawyers of the circuit; and during the political campaign of 1800, he had broken up the sessions in order to make Federalist speeches.

**450.** Jefferson felt keenly the need of correcting this partisan character of this appointive branch of the government. In December, 1801, he wrote:—

"They [the Federalists] have retired into the Judiciary as a stronghold. There the remains of Federalism are to be preserved and fed from the treasury; and from that battery all the works of Republicanism are to be beaten down and destroyed."

The principles of the Republicans with regard to the government forbade them to *enlarge* the courts, and so get control. And in any case they could not very well have done that just after repealing the vicious Federalist law. All Federal judges held "during good behavior"; and the only way left for the Republicans to get a foothold was to remove old judges by *impeachment*.

After much hesitation and only half-heartedly, Jefferson and his party tried this method. Justice Pickering, of the New Hampshire District, was removed for drunkenness while on duty,<sup>1</sup> but an attempt to remove Justice Chase from the Supreme Court for his partisan and unjudicial conduct failed of the necessary two-thirds vote in the Senate. Then the movement was dropped.

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<sup>1</sup> The Federalists defended Pickering on the ground of *insanity*, — insisting at the same time that there was no constitutional ground for impeachment. Indeed, until recently it has been held that the "high crimes and misdemeanors" named in the Constitution as the occasion for impeachment, must be such offenses as the accused man might be indicted for before a criminal court. The difficulty was evaded this time in the Senate by voting that Pickering was "guilty as charged." In 1913, the Senate, without any evasion, removed Justice Archbold from the United States Commerce Court for "graft," although no laws could reach his offense.

451. The breakdown of this attack upon Federalism in the Courts left John Marshall free to complete Hamilton's work and to make the Constitution a *National* constitution by his judicial decisions. Marshall was one of Adams' latest appointments. He served as Chief Justice from 1801 to 1835; and his wonderful influence over his associates brought to his way of thought five Republican justices appointed by Jefferson and Madison to outweigh him. He was a man of simple manners, of direct, upright, engaging character, of mighty intellect, but of strong prejudices.

Marshall's first great decision was in the famous case of *Marbury vs. Madison*. Adams' appointments had been completed so late on March 3 that some of the commissions were left undelivered. Jefferson declared such papers of no account, and made new appointments. A certain Marbury, whom Adams had named as marshal for the District of Columbia, sued in the Supreme Court for a writ of mandamus, to compel Madison (the new Secretary of State) to issue to him his withheld commission. The court declared, through Marshall's pen, that it had no jurisdiction in such a suit.<sup>1</sup> The Judiciary Act of 1780 had distinctly given the Supreme Court authority to issue just such writs; but, since the Constitution itself did not name any such contest *between a citizen and a public officer* as included in the original jurisdiction for the Supreme Court, that particular provision of the law of 1789 was now declared *unconstitutional and void*.

This was the first time the Supreme Court declared void any part of an Act of Congress. The clause was one conferring power upon the court itself. No other so modest opportunity could have been found. But the

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<sup>1</sup> Marshall's partisan feeling led him, none the less, to add that Marbury was legally entitled to the office. Since Marshall had been acting through March 3 as Adams' Secretary of State, in signing commissions, he came perilously near acting as judge in a case in which he was himself vitally interested. Professor Channing says (*Jeffersonian System*, 118),—"This is the one decision in Marshall's judicial career which still gives pain to all but his blindest admirers."

argument of the Chief Justice went on, far beyond the immediate case, to establish this power of the courts in all cases where, in their judgment, they might find conflict between a law and the fundamental law. *The decision was to become the basis for future extension of this power.*

**452.** In 1804 Jefferson was reëlected by 162 electoral votes to 14; and even in the Senate of thirty-four members, there were only seven Federalists. Jefferson's popularity seemed higher than ever. Early in his second term, the Vermont legislature requested him *to permit his name to be used a third time*, for the campaign of 1808, and this nomination was promptly seconded by legislatures in seven other states. *Jefferson declined*, and used the opportunity **to establish firmly one more Republican doctrine.** Washington's refusal to be a candidate for a third term had no constitutional bearing. He refused for purely personal reasons, and he felt it needful to excuse himself against a possible charge of lack of patriotism in laying down his task. Jefferson declined, *in order to establish a principle.* Some limit, he said, should be fixed *by custom* (since none was specified in the Constitution), or the President's tenure might come to be for life. The limit should be two terms, as already suggested by Washington's action. Any longer tenure would be "dangerous to Republican institutions."

This response caught the popular imagination. Addresses poured in from mass meetings and legislatures approving its patriotism and its doctrine, and expressing ardent hope that the example might be followed in succeeding history. The principle became at once so firmly imbedded in our unwritten constitution that only once has an attempt been made to override it.

**453.** In Jefferson's second administration, a new tone of centralization was noticeable. *Republicanism had been modified by the very completeness of its victory.* Nearly half its adherents now had formerly been Federalists, and still remained half Federalist in political thought. Moreover, the "Old Republicans" themselves, under the responsibilities and opportunities of office, began to feel differently toward the power of the government.

Jefferson, indeed, strove valiantly not to "make waste paper of the Constitution by construction." But, he came to *favor amendments* such as would have greatly enlarged the sphere of the government's action.<sup>1</sup> And, lacking the amendments, he reluctantly acted sometimes under the doctrine of implied powers which he had once denounced.

**454.** The first such extension of powers concerned **the improvement of harbors**. The government raised a sunken gunboat which imperiled a harbor entrance; and this precedent led to *the further removal of harbor obstructions*. The building of dry-docks, to protect the unused national navy, was extended to the construction of *public wharves* for commerce. And, though Jefferson had looked with critical eye upon the construction of a Federal lighthouse<sup>2</sup> in Washington's time, he now quietly approved large appropriations for the exceedingly useful *coast survey*, inaugurated in 1806.

**455.** The *excuse* for Federal expenditure on harbors was that it was paid for out of the tonnage tax on vessels that used the harbors. But, what harbors were to Eastern communities, **roads** would be to the people of the West. Why should not the nation build such roads and pay for them out of the sale of **the public lands**, — *to which they would give value?* This was the guise under which the question of "**internal improvements**" first appeared.

When Ohio was admitted as a State (1802), the national government still owned a vast domain within the borders of the new commonwealth. On the suggestion of Gallatin, Congress promised that one twentieth of the proceeds from the sale of those lands should be used in building roads from Atlantic

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<sup>1</sup> In his second inaugural Jefferson called attention to the rapid decrease of the debt, and to the fact that only a few millions more could be taken up in the next few years (the rest not being due). He then suggested that, instead of decreasing the revenue tariffs "on luxuries," the surplus revenue, *by a proper amendment to the Constitution*, might be applied to "rivers, canals, roads, arts, manufactures, education, and other great objects." Soon after, he wrote to Gallatin that he was impatient "to begin upon canals, roads, colleges, etc."

<sup>2</sup> "The utility of the thing has sanctioned the infraction," he said later.

rivers to the Ohio river, and afterward on roads within the State. The strict constructionists excused the measure as a bargain between the United States and Ohio. Ohio, said Gallatin, could hardly be expected to acquiesce in the nation's retaining title to the vast public domain within the State without some such sop.

But lands sold slowly, and in 1806 Congress agreed to *advance* \$30,000 (to be repaid out of the future land sales); and a survey was begun at once for "**The National Road**," from Fort Cumberland in Maryland, on the Potomac, to Wheeling in western Virginia, on the upper Ohio.

**456.** In his next message to Congress (December, 1806), Jefferson urged (along with the suggestion of a necessary amendment) a national university and a system of internal improvements to cement the union between the States. *Without reference to the need of an amendment*, Congress replied by asking the executive to submit a plan for roads and canals.

This led to **Gallatin's famous report of 1808**. That paper sketched a comprehensive system of communication to be built during a period of ten years, at an expense of \$2,000,000 a year. (1) Canals through Cape Cod, New Jersey, and other projections were to create a shorter and safer inside coast route. (2) A turnpike was to run from Maine to Georgia. And (3) turnpikes were to join four eastern rivers with streams beyond the mountains. But at this moment national revenue fell away, because of the embargo (§ 472), and for some years all such projects were lost in war clouds.

**457. Pennsylvania**, alone of the States, began to act vigorously for herself. In the six years after Gallatin's plan was dropped by Congress (1809-1815), that State spent \$2,000,000 on roads, and, under State encouragement, private corporations spent twice as much more on toll roads. By 1815, a thousand miles of turnpikes, with good bridges, linked together the important districts of the Commonwealth, and joined the eastern waters with Pittsburg on the Ohio.

**458. Western settlement** continued in the period 1800-1810 much as in the ten years preceding, with much less peril from

Indians. Three distinct waves of settlement were noticeable, as for long after on the frontier. *Backwoodsmen* opened small clearings, which, after a few years, were bought out and enlarged by *pioneer farmers*, who, in turn, soon followed the backwoods hunters farther west, selling out their first homes to a *more permanent set of farmers* with more capital.



A CONESTOGA WAGON. From an old print. An early and clumsy form of "prairie schooner," much used in the emigration from the coast region to the Ohio after Pennsylvania built her roads.

The "backwoodsmen" were usually "squatters." The "farmers" secured title from the Federal government. After 1800, land could be bought in 160-acre lots at two dollars an acre. And only one fourth of this had to be paid down: the rest could be paid over a period of four years, "out of the profits of the crops." In the ten years before 1800, less than a million acres of public land had been sold to *settlers* by the government; but, in the next twenty years, sales averaged a million acres a year, and the lines of would-be purchasers before Western land offices suggested the phrase, "doing a land-office business."

Between 1800 and 1810, Ohio grew ninefold, — from 45,000 to 406,000; while 24,000 people pressed on into the southern

districts of Indiana, and half that many penetrated even into southern Illinois. Even the older communities south of the Ohio, — Kentucky and Tennessee, — doubled their numbers, rising to two thirds of a million. In 1811, 1200 flatboats passed the rapids of the Ohio with cargoes of bacon, beef, and flour, bound down river. The West had found a way, also, to market large parts of its corn “on the hoof.” Each fall, immense



CINCINNATI IN 1810. From Howe's *Historical Collections of Ohio*.

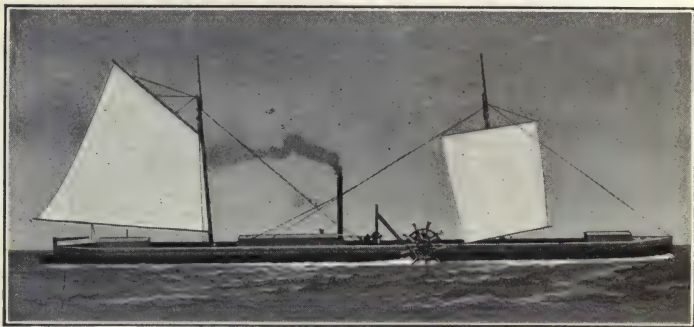
droves of cattle and hogs (4000 “razor-backs” in one drove) were driven over the wagon roads to the eastern cities, finding subsistence as they moved.

**459.** And now came the steamboat, with its promise of making the vast western territory accessible. The Watts *stationary* steam engine had been in use in England for several years and in 1800 there were four or five such engines in America. But in this country, with its tremendous distances, and its lack of roads, *the first need was to apply steam to locomotion by water.*

As early as 1789, *John Fitch*, a poor man without education but with wonderful inventive genius, built a ferryboat with paddles driven by a steam engine of his own construction, and ran it up as well as down the river at Philadelphia for some months. In spite of this remarkable success, Fitch could not

raise money, East or West, to improve or continue his experiment; and he put an end to his life, in disgust and despair, in a Kentucky tavern (1798).<sup>1</sup>

*Robert Fulton* was more fortunate. He too had spent heart-breaking years, both in Europe and America, in attempts to find capital to back his invention. Napoleon repulsed him as a faker;<sup>2</sup> but at last he secured money from Chancellor Livingston of New York. In 1807, amid the jeers of the bystanders,



FULTON'S STEAMER, *The Clermont*. From a model in the National Museum at Washington.

he launched the *Clermont*. That boat amazed the world by a trial trip *up* the river from New York to Albany (150 miles) in 32 hours. The next year a line of steamboats was plying regularly on the Hudson, and men were planning them on Western rivers.

FOR FURTHER READING.—Channing's *Jeffersonian System*, chs. i, ii. Schouler's *Jefferson* is a brief readable biography.

<sup>1</sup> During these same years, Philadelphia had another neglected genius, *Oliver Evans*, who likewise built a steam engine suited for locomotion; but again the inventor failed to secure money to finance the undertaking to practical success. Fitch's claim to priority in steam navigation is disputed also in favor of James Rumsey of Maryland. Rumsey certainly ran a steamboat on the Potomac in 1787.

<sup>2</sup> *Modern World*, § 664.





## CHAPTER XLI

### TERRITORIAL EXPANSION

#### I. THE WESTERN HALF OF THE MISSISSIPPI VALLEY

**460.** The most important *one* event in Jefferson's administration was the **Louisiana Purchase**. Jefferson had always sympathized with the attitude of the West toward Spain's hold upon the mouth of the Mississippi (§ 305).<sup>1</sup> Man of peace though he was, he had said that such portions of the vast domain of dying Spain as we wanted *must* come to us in time, — *by force* if necessary; but he had believed confidently that such territory must drop *peacefully* into our hands, as Spain's grasp weakened.

But late in 1801 fell a thunderbolt: America learned that Spain had secretly ceded Louisiana back to France, then the most aggressive of European nations. Congress hastily passed a war appropriation; and Jefferson, spite of his French sympathies, saw that we must fight<sup>2</sup> or purchase. He instructed Livingston, our minister at Paris, to buy the island of New Orleans, and sent Monroe, as special envoy, to help him. Monroe found a great and unexpected bargain practically completed. Napoleon had suddenly changed front; and, April 30,

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<sup>1</sup> In 1786 Jay had proposed a treaty with Spain, whereby, in return for certain commercial concessions, we were to surrender for twenty-five years all claim to navigate the Mississippi; but Jefferson wrote from Paris, in solemn warning, "The act which abandons the navigation of the Mississippi is an act of separation between us and the Western country."

<sup>2</sup> Jefferson said that France had become our foe "by the laws of Nature." He wrote to Livingston: "There is on the globe one single spot, the possessor of which is our natural . . . enemy. . . . France, placing herself in that door, assumes to us an attitude of defiance. . . . The day that France takes possession of New Orleans . . . seals the union of two nations who, in conjunction, can maintain exclusive possession of the ocean. From that moment we must marry ourselves to the *British* fleet and nation."

1803, for the petty price of \$15,000,000, the United States doubled its territory.

A splendid army of twenty-five thousand French veterans had just wasted away, against tropical fever and the generalship of the Negro leader Toussaint L'Ouverture, in an attempt to secure Haiti as a halfway station to Louisiana. Napoleon hesitated to send more of his soldiers to hold the swamps at the mouth of the Mississippi against American frontiersmen swarming down that stream. Moreover, he had already decided upon a new war with England; and a distant colony would be exposed to almost certain seizure by the English navy. So Napoleon abandoned his dream of American colonial empire, together with his solemn pledges to Spain,<sup>1</sup> and, with characteristic abruptness, forced upon the American negotiators not merely the patch of ground they asked for at the river's mouth, *but the whole western half of the great river valley*, — which they had not particularly wanted.

The heart of the American people was immediately fired by the grand prospect of expansion opened before us by the Purchase; and Jefferson wrote a few weeks later: —

"Objections are raising to the eastward [among leaders of New England Federalism] to the vast extent of our territory, and propositions are made to exchange Louisiana, or a part of it, for the Floridas. But we shall get the Floridas without, and *I would not give one inch of the waters of the Mississippi to any foreign power.*"

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<sup>1</sup> Spain had hoped to find compensation for Louisiana by interposing France as a barrier between the United States and her other American possessions. Talleyrand, who had managed the French negotiations with Spain, played upon this string. "The Americans," he urged, "are devoured by pride," and "mean at any cost to rule alone in the whole continent. . . . The only means of putting an end to their ambition is to shut them up within the limits Nature seems to have traced for them [east of the Mississippi]. . . . Spain, therefore, cannot too quickly engage the aid of a preponderating power, *yielding to it a small part of her immense dominions in order to preserve the rest.* . . . France [mistress of Louisiana] will be to her a wall of brass, impenetrable forever to the combined efforts of England and America." Finally, a *specific pledge* never to alienate the province to America became *part of the price* France paid.

The opposition by the little coterie of Federalist leaders, and their jealous dread of the West, proved once more that they were rightly distrusted by the nation. The Jeffersonian Republicans, with whatever follies, were "the safest guardians of the country, because *they* believed in its future and strove to make it greater."

**461. Three Constitutional questions** came into prominence in connection with the purchase treaty.

*a. Power to acquire territory* is not among the powers of Congress enumerated in the Constitution. According to the "strict construction" theory, the purchase of Louisiana was unconstitutional. Jefferson wanted an amendment to confirm the purchase: —

"The executive," he wrote, "in seizing the *fugitive* occurrence which so much advances the good of their country, have done an act beyond the Constitution. The legislature . . . risking themselves like faithful servants, must ratify and pay for it, and [then] *throw themselves on the country*" for an amendment, which should be also "an act of indemnity."

But he found no one among his friends willing to risk the precious prize by the delay that must go with an attempt at amendment. Such a move would imply that the purchase was not fully ratified; and meanwhile Napoleon might again change his mind. So that plan was dropped. In the debates in Congress, Republican members adopted frankly the doctrine of "implied powers." The right to acquire territory must exist, they argued, as a result (1) of the right to make treaties, and (2) of the power to make war and peace.

*b. Were the inhabitants entitled to civil and political rights?* New Orleans had a population of 50,000. The treaty of purchase had promised that the inhabitants of the district should be "incorporated in the Union of the United States" and admitted, as soon as possible, to all the rights of citizens. The Federalists based their opposition to the treaty mainly on this provision. The admission of a new member to "the partnership of States," they urged, was not permissible "except by the consent of *all* the old partners." *This was State sovereignty doctrine.*

The Republicans themselves hesitated to carry out the promise of statehood to a foreign population bitterly aggrieved at transfer to American rule. In the spring of 1804 Congress divided the newly acquired region into two parts. The larger northern part (almost uninhabited), styled the "District of Louisiana," was attached to Indiana Territory (§ 317). The southern part was created "The Territory of New Orleans"; **but the government was intrusted to a governor, council, and judges all appointed by the President**; and provision was made for jury trial in capital cases only.

This was a denial of all right of self-government to a highly civilized and densely settled district. It seemed strangely out of place at the hand of Jeffersonians, and it caused loud outcry in New Orleans. The Republicans defended the constitutionality of the Act on the ground that the guarantees in the Constitution applied only to citizens of the *States*, not to inhabitants of "territory *belonging to the United States*" (c below). In 1811, after a bitter struggle in Congress, the Territory of New Orleans came into the Union as the State of Louisiana.

The New England Federalists resisted the admission furiously, because it seemed to transfer political power to the South. Josiah Quincy, their leader in Congress, affirmed: "*I am compelled to declare it as my deliberate opinion that, if this bill passes, the bonds of this union are, virtually, dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare, definitely, for a separation: amicably, if they can; violently, if they must. . . .*"

c. *The treaty promised certain exemptions from tariffs to French and Spanish ships in Louisiana ports for twelve years.* The Constitution requires that "all duties shall be uniform throughout the United States." Was there a conflict between these provisions?

The answer depends upon the meaning of "United States" in the clause quoted. That term, territorially, has two meanings. To-day we give it commonly the larger sense in which it signifies all the land under the government of the American

nation, — States, Territories, and unorganized Domain. But the Constitution, certainly in some places, and probably in all, uses the term to signify only the territory *within the States*. Territory not within a State, was not referred to as “*part of the United States*,” but as “*belonging to the United States*” (Art. IV). In this sense, New Orleans was not, in 1803–1810, a part of the United States.<sup>1</sup> For such “territory” Congress is authorized to make “all needful rules and regulations.”

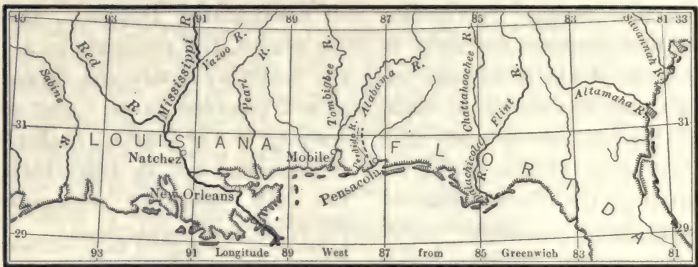
EXERCISE. — For consideration: (1) Can Congress constitutionally continue to govern Hawaii indefinitely as a Territory, without admitting her as a State? (2) Could Hawaii be deprived by Congress of all share in her own government, even after having been permitted such a share for a while?

## II. WEST FLORIDA AND THE TEXAS CLAIM

**462.** The Louisiana Purchase gave rise, also, to the West Florida question. Under France, before 1763, Louisiana had included a strip of Gulf coast east of the Mississippi’s mouth. But when France ceded Louisiana to Spain (1763), *England had already secured that strip and was governing it as “West Florida”* (from the Iberville, or eastern mouth of the Mississippi, to the Apalachicola). The treaty of 1763 between Spain and England made these boundaries plain. Louisiana *then* comprised (1) the vast valley west of the Mississippi, and (2) the island of New Orleans; bounded on the east by the Iberville. In 1783, Spain recovered *both* Louisiana (from France) and West Florida (from England). *But she did not reunite them.* She kept the two provinces *under separate governments and under these separate names*; and in 1800 she ceded back to France only the one she *then* called Louisiana.

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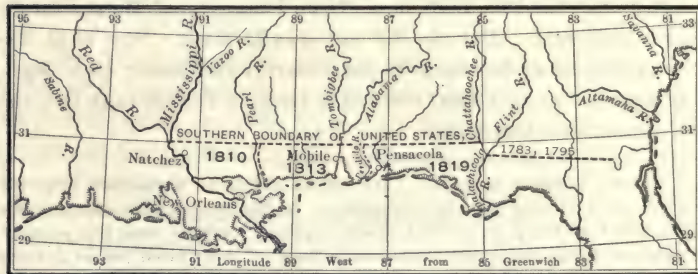
<sup>1</sup> Almost identical questions have arisen since, in connection with the acquisition of Florida and the Philippines. In the Florida case, the Supreme Court held that the ports of that newly acquired territory were not ports of the United States, and that the revenue laws of the United States did not apply there unless expressly extended by act of Congress. In the other case, the Court upheld a tariff *between* the “insular possessions” and the rest of the “United States.”



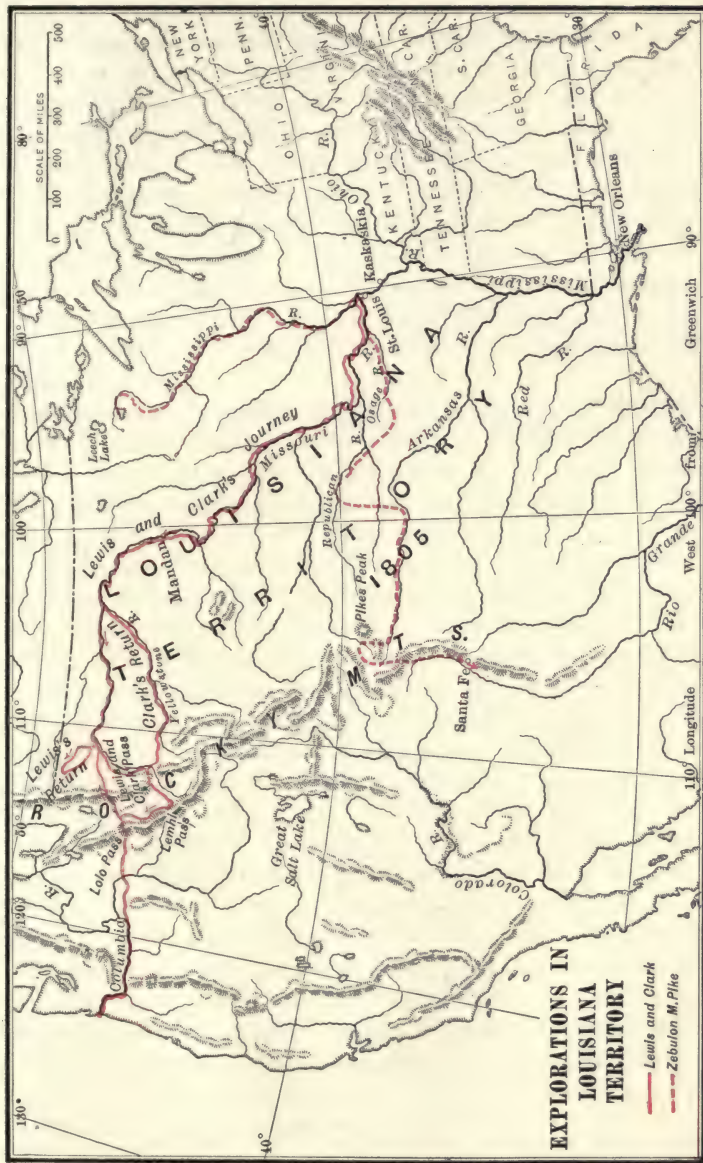
FRENCH LOUISIANA AND SPANISH FLORIDA, 1756.  
(With dividing line at the Perdido.)



ENGLISH WEST FLORIDA, 1773-1783.  
(From the Mississippi to the Appalachicola.)



SPANISH AND AMERICAN WEST FLORIDA, 1783-1819.  
(The figures show date of acquisition by the United States.)





**463.** Livingston had been instructed to get West Florida if possible. Now, taking advantage of the vague wording of his purchase treaty, he set up the claim that he had done so. Indeed he urged the government to use "the favorable moment" to take possession, "even though a little force should be necessary." Jefferson seems to have approved the idea. John Randolph, the spokesman for the administration in Congress, declared we had bought the mouth of "the Mobile with its widely extended branches; and there is not now a single stream of note rising within the United States and falling into the Gulf . . . which is not entirely our own, the Appalachicola excepted."

But when Napoleon sent his lieutenant, Laussat, to America in 1803, to take formal possession of Louisiana from Spain, in order to transfer it to the United States, he told that officer plainly that the eastern boundary was the Mississippi *and the Iberville*. Laussat so told Jefferson; and we received Louisiana with this understanding, *and without protest*. None the less, a few weeks later, *Congress created West Florida into a United States revenue district*, and annexed it to the Territory of Mississippi. This "Mobile Act," however, was never put in force. Spain's protest was so unanswerable that Jefferson was driven into discreditable evasions in trying to explain his position.

**464.** Thus the matter slumbered six years. In 1808 Napoleon seized Spain, and soon the Spanish colonies in America, one by one, became independent states.<sup>1</sup> In West Florida this movement was managed by *Americans* who had migrated across the Iberville and formed settlements between that river and the Perdido. In July, 1810, they demanded from the Spanish governor a remodeling of the government. For a while they acted in harmony with him; but soon they issued a declaration of independence, and applied to the United States for annexation. October 27, President Madison ordered the American governor at New Orleans to take military possession as far as to the Perdido,

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<sup>1</sup> *Modern World*, § 638.

and Congress then annexed the district to the Territory of New Orleans (§ 461).

Madison tried to justify this robbery of a friendly power by pretending to fear that England might seize the territory if we did not (a convenient pretext used by our government more than once since to cover land grabs); but, unhappily, recent research proves beyond dispute that the whole rising had been inspired from New Orleans *in accordance with instructions from Washington* (*American Historical Association Reports* for 1911).

As settlement poured into the Mississippi Territory, West Florida certainly became worth far more to us than it was to Spain. It lay, a narrow strip, between us and our natural coast line. It held the mouths of our rivers and the harbors of our commerce, while to Spain it meant nothing except the chance to limit our power. If the two countries had been individuals, Spain would have been morally bound to sell at a fair price; but any court would have defended her title, if, immorally, she insisted upon annoying her neighbor by keeping possession. Between two nations, as matters went in that day, it was inevitable that we should get the district, — if not by fair bargaining, then by open force. The unfortunate thing is that the actual procedure was such a needless and inextricable mixture of violence and deceit.

**465. The boundary between Louisiana and Mexico had never been defined.** Napoleon's instructions to Laussat placed the dividing line at the Rio Grande. **If that was correct, we had bought Texas.** But Spain protested that the proper boundary was the Sabine. The question was complicated; we cared little about it at the time; the territory was a wilderness, without White inhabitants except at a few Spanish missions; and in 1819 we surrendered all claim to Texas as part of the price we paid for *East Florida*, which we were then buying from Spain.

### III. WESTERN EXPLORATION

**466. Jefferson had long manifested a scientific interest in "delineating the arteries of the continent."** In 1783 he had urged George Rogers Clark to explore the West to the Pacific; and three years later, while in France, he had persuaded Led-

yard, an American traveler, to attempt to reach the Pacific coast of America by way of Siberia and the ocean. There must be a great river, he argued, flowing from the western mountains into the Pacific, rising near the head waters of the Missouri. The explorer could ascend this stream and descend the Missouri to St. Louis.

**467.** Ledyard was turned back by suspicious Russian officials. But in 1792 Captain Gray of Boston, in his ship *Columbia*, discovered the mouth of the prophesied river, and named it for his vessel. This was our *first basis for future claim to the Oregon country*. As soon as Jefferson became President, he secured from Congress an appropriation for an exploring expedition to that country, to be led by Meriwether Lewis (Jefferson's private secretary) and Captain William Clark (a brother of George Rogers Clark). Before the expedition was ready, the purchase of Louisiana made much of the territory to be

explored our own, and gave us possessions contiguous to the unoccupied and almost unclaimed Oregon district.

**468.** Lewis and Clark set out from St. Louis with thirty-five men, in the spring of 1804. Sixteen hundred miles up the



MERIWETHER LEWIS, in hunting costume. From Winsor's *Narrative and Critical History*, after a contemporary drawing among the possessions of Lewis' companion, Captain Clark, — the only known likeness of the explorer.

Missouri, near the modern Bismarek, they wintered among the Mandan Indians. The next spring, guided by the "Bird Woman" with her papoose on her back, they continued up the river to the water shed, and followed streams down the western slope until they found a mighty river. When they reached its mouth in November, four thousand miles from St. Louis, this river proved to be Captain Gray's Columbia. This exploration was the **second basis for American claim to Oregon**; and the scientific observations, maps, and journals of the expedition revealed a vast region never before known to White men.

In 1811 Astoria was founded on the south bank of the Columbia, by John Jacob Astor, as a station for the fur trade. This *occupation* by American citizens made **a third basis for our claim to the country**.

When we sought to establish our claim, a few years later (§ 503), our government tried to strengthen its case by holding that Oregon was part of the Louisiana Purchase. There was really no ground whatever for arguing that "Louisiana" ever extended beyond the Rocky Mountains; but our government maps kept up the pretense until 1901.

**469.** In 1805 part of the small army was again made useful in the interests of science and of peaceful expansion. **Lieutenant Zebulon Pike**, with a small company, **traced the Mississippi from St. Louis practically to its source**. Afterward he explored the Arkansas and Red rivers; and, in tracing the upper waters of these streams, he discovered the mountain now known as Pikes Peak.

FOR FURTHER READING. — Channing's *Jeffersonian System*, Ogg's *Opening of the Mississippi*, or Fish's *American Diplomacy*.

## CHAPTER XLII

### THE WAR OF 1812

**470.** Our foreign relations from 1806 to 1812 were disgraceful. After brief truce, the European war began again in 1803, and the commercial clauses of the Jay treaty (§ 404) expired soon after. Napoleon was soon master of the continent, with all the coast line from Italy to Denmark. His sole antagonist, England, ruled supreme on the sea.<sup>1</sup> The only neutral power with any shipping interests was the United States. That shipping fattened on its monopoly; but each of the mighty combatants strove to force it into an ally, and to prevent its aiding his foe. English "Order in Council" followed French "Decree"; and whatever American shipping the one did not declare subject to capture, the other did. Meantime, our own government lacked decision to take sides, or power to defend its citizens.

The story is not a pleasant one. It is a tale of outrageous robbery by both European powers, and of American vacillation and disgrace. Jefferson and Madison, great in peace, were not suited for emergencies of this kind. Well-meaning, gentle, trustful, not particularly decisive, they were buffeted pitifully back and forth between the arrogance and indifference of English Pitt and Canning, and the duplicity and insolent greed of French Napoleon and Talleyrand.

**471.** If war is ever justifiable for any provocation short of armed invasion, we had abundant cause to fight both robbers or either, at any time between 1806 and 1810. Our government shilly-shallied, in impotent indecision, until the energetic part of the nation rose wrathfully to demand that we fight some one at once to win back self-respect. **Then we chose the wrong time and, apparently, the wrong foe.** Unfortunately, too, our choice

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<sup>1</sup> Cf. *Modern World*, §§ 612, 620, 621.

of a foe arrayed us on the side of the European despot against the only hope for European freedom. The rise of Napoleon had reversed the position of England and France, as compared with that of 1793 (§ 385).

Says Professor A. B. Hart (*Foundations of American Foreign Policy*, 27): "The United States waited till the European system . . . was on the point of falling to pieces of its own weight, and then made war on the power which, on the whole, had done us the least harm." To the same effect, and with more carefully chosen words, Professor Channing says (*Jeffersonian System*, 200): "One may say that both parties were justified in seeking to distress their enemy by cutting off neutral trade . . . as a war measure. . . . The intention of the English government seems to have been to treat the neutral fairly, to give him ample warning, and to mitigate his losses by permitting him to seek another destination for his cargo.



AN EARLY AMERICAN MERCHANT SHIP.  
From an old print.

The French administration of the decrees was peculiarly harsh and unjust. . . . In short the French seemed to have acted with the least consideration for the rights of neutrals; but the English confiscated so many more neutral vessels, owing to the activity and strength of their cruisers and privateers, that the greater hostility was aroused against the British."

To complicate the picture further, *that section of the country*

*immediately interested*—the section whose ships were being confiscated and sailors impressed—*did not want war at any time*, certainly not with England, and talked freely of preferring secession from the Union. In 1790, before the wars of the French Revolution began, 550 English merchant ships entered American harbors. In 1799, when the first series of wars closed, the number had sunk to 100. *Meantime, New*

*England shipping had increased fivefold.* During the second series of wars, — until we ourselves became engaged, — American shipping continued to absorb the former English carrying trade with the world. Between 1803 and 1812, England seized a thousand American merchantmen, — many of them very properly, for violations of recognized principles of international law ; and France captured more than half that number, — the greater part treacherously, after inviting them into continental harbors by special proclamation. But New England was willing to submit to all this, and to the impressment of her seamen, rather than lose her golden harvest of the seas.

**472.** Jefferson's second administration spent its chief energy in trying to maintain a policy of commercial non-intercourse with the warring powers, in order to compel them to respect our neutral rights. In 1807, to make the policy effective, Congress decreed an *embargo* upon all American shipping bound for foreign ports — *and no time limit was specified in the law.* This was not a measure *preparatory to war*: it was **war in commercial form.**

The embargo caused great distress among workingmen and commercial classes in England, but those classes then had no voice in the English government. The landed aristocracy, which did control the government, in death grapple with Napoleon, hardened its heart to the suffering of other Englishmen as an inevitable incident of the great war, and stubbornly refused to make concessions to America.

Meanwhile, the embargo caused hardly less distress at home ; and the outcry from sailors out of work, from shippers whose vessels lay idle, and from farmers whose produce rotted unsold, could not long be ignored by Congress. In New England, juries refused to convict on the plainest evidence, for violation of the embargo, and public opinion made it impossible to enforce the law. In the closing days of Jefferson's presidency it was repealed, as a failure. *Its chief result had been a revival of the Federalist party in New England.*

**473.** Jefferson had wished his lieutenant, Madison, to succeed him, and in 1808 Madison was elected by a vote of three

to one. Backed by the "Old Republicans," he tried still to preserve peace by slight modifications of Jefferson's peace policy. But by 1810 real control had passed to a new generation of statesmen, younger and more aggressive, led by *Henry Clay* of Kentucky and *John C. Calhoun* of South Carolina. These "Young Republicans," or "War Hawks," finally brought Madison to their side.<sup>1</sup>

The choice of a foe was easily foreseen. So far as interference with our commerce was concerned, Napoleon *promised* to repeal his "decrees" — though he did not, and did not mean to — while England refused to withdraw her "orders" until France should actually perform the promise. But against England a large part of America was in a state of chronic irritation for other reasons. In the far Northwest, the great British and American fur companies were fierce and ruthless rivals for territory and for control over Indian tribes. Rumors of bloody clashes and treacherous massacres among distant snows stirred every frontier community that sent forth its trappers into the wilderness, and the Western settlements believed, mistakenly but with savage earnestness, that every Indian disturbance was fomented by British agents. The West, accordingly, joined hands with the monied fur-trade interests in bringing pressure upon Congress. And in June of 1812 the United States declared war upon England.

For three generations Americans held a tradition that we fought the War of 1812 in defense of "sailors' rights" against impressment. *This is not a fair statement.* Even after war was determined upon, during the last of 1811 and the first half of 1812, neither the government nor newspapers mentioned impressments as a cause. Madison's message to Congress recommending a declaration of war named impressments first among our provocations; but *never before* had our government intimated to England that she must give up this practice or fight.<sup>2</sup>

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<sup>1</sup> It was charged that Madison yielded to secure necessary War Hawk support for his reelection in 1812. Dislike for the war had strengthened the Federalists, but Madison won by 128 votes (from South and West) to 89.

<sup>2</sup> For examples of *French* impressment of Americans, see Channing's *Jeffersonian System*, 187. The student will do well to read in that volume pages

Says Henry Adams: "When this grievance was finally taken up, it was an afterthought, when the original cause failed to unite and arouse the people. If England had yielded to our commercial demands, nothing would then have been said of impressments. . . . This worst of American grievances took its proper place as a political maneuver."

Curiously enough, just before our declaration of war, too close for the fact to become known in America, England did repeal absolutely all her objectionable "orders" against our commerce. An Atlantic cable would have made impossible this blundering into war.

**474.** The War Hawks expected to end the war in one glorious campaign of conquest. Said Clay in Congress, "I am not for stopping at Quebec, but I would take the whole continent." But the country, as a whole, showed amazing indifference; and New England, in particular, persisted in looking upon the struggle as "Mr. Madison's war." A rich nation of eight million people could have put 300,000 men into the field (at the ratio of Northern effort in 1865); but at no time (not even when our territory was invaded) did we have one tenth that force for effective service, and, most of the time, the numbers were a half smaller still, — spite of bounties and other lavish inducements offered by the government.<sup>1</sup>

Even more discouraging were the finances. The government imposed an *excise* and *stamp duty* (hateful to Republican principles) and direct taxes; but the States were delinquent in payment. When the government tried to borrow, its bonds had to be sold at ruinous discount. During the three years, the debt mounted frightfully; and, toward the close, the treasury was practically bankrupt. In a few weeks more, this condition alone would have compelled the United States to sue for peace.

**475.** In the first campaigns, the militia distrusted its incapable officers and behaved badly on several occasions.<sup>2</sup> In 1814,

184-188; or, for the full treatment of impressments, pages 184-194. The *Chesapeake-Leopard* affair may be made a subject for special report.

<sup>1</sup> An excellent statement of military problems is given in Hinsdale's *How to Study and Teach History*, 246-247.

<sup>2</sup> For an instance, see McMaster, IV, 12-20. For a notable exception to the

just as England, freed from the pressure of European war, prepared to push matters in America, more efficient American officers came to the front, and we regained our northern frontier in two or three creditable engagements, like the *Battle of the Thames* (October, 1813) and *Lundy's Lane* (July, 1814). Then, in 1815, after peace had been signed, but before the fact was known in America, Andrew Jackson, with four thousand Western riflemen (deadly marksmen all), lying behind cotton bales at *New Orleans*, beat off, with horrible slaughter, a stubborn attack of five thousand splendid but poorly handled English veterans from Wellington's army in Spain that had victoriously withstood Napoleon's best soldiers.

On sea, America did win renown. True, no injury to England's power was inflicted. England had a thousand warships, two hundred of them larger than any one of our seventeen vessels; and, before the end of the war, every American warship was sunk or blocked up in harbor. But, meantime, in numerous *ship duels* between well-matched antagonists, the Americans had amazed the world by a series of remarkable victories, and, at last, won even from England the reluctant admission that, ship for ship and gun for gun, we outsailed and outfought them on their chosen element. England lost only thirteen ships; but her mortification was wholesome, and there was less talk thereafter of Americans as "degenerate" Englishmen.

Moreover, a really serious injury to England's remaining merchant marine was inflicted by the multitudes of American privateers, which snapped up ships even in sight of the English coast. Shipping insurance in England rose to double the point ever reached before in all her wars.

One disgraceful episode of the war calls for mention. In 1813 an American raid burned Toronto (then York), the capital of Lower Canada. A British force off our eastern coast retaliated by a raid against our Capital. Five thousand troops marched triumphantly through fifty miles of well-

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general run of American reverses, Perry's splendidly earned victory on Lake Erie in 1813 may be made a subject for special report.

populated country, drove a large body of militia before them in shameful rout, and laid the public buildings of Washington in ashes.

A few days later, an attack upon Baltimore was repulsed by the militia. This was the occasion for the poem, "The Star-spangled Banner," by Francis Scott Key, a prisoner at the time on a British vessel in view of the attack.

**476.** In the negotiations for peace, the American representatives (Gallatin, John Quincy Adams, and Henry Clay) were as superior to their English antagonists as the English army had at any time been to the American. In this field the Americans won a creditable victory. *The Peace of Ghent* (December 14, 1814) restored our old boundaries. It left all other questions unsettled; but the return of peace in Europe had removed the occasion of trouble. Until the European war of 1914, our people believed that no country — in peace or war — would again dare to disregard American rights.

FOR FURTHER READING. — Dunning's *British Empire and the United States*, Fish's *American Diplomacy*, Schurz's *Clay*, and McMaster's *History*, V, give details for the peace negotiations.

## CHAPTER XLIII

### NEW ENGLAND AND THE UNION, 1800-1815

New England's attitude toward the Union was disgraceful during the whole period from the accession of Jefferson to the end of the War of 1812. At three times, in particular, leaders or people, or both, seemed ready for nullification or secession.

477. In 1803-1804 the *leaders* of New England Federalism were angered and alarmed by the Louisiana Purchase (which, they thought, meant an increase in the political power of the South), and the *Essex Junto*<sup>1</sup> sought refuge in plots for secession. Pickering, formerly Washington's Secretary of War, wrote, after expressing fear of Jefferson (§ 426):—

"How long we shall enjoy even this security, God only knows; and must we with folded hands wait the result, or timely think of other protection. . . . *The principles of our Revolution* point to the remedy, — a separation. That this can be accomplished, and without spilling one drop of blood, I have little doubt" (Letter to Cabot, January 29, 1804). And again: "If a separation should be deemed proper, the five New England States, New York, and New Jersey would naturally be united. . . . I do not know one reflecting New Englander who is not anxious for the *Great Event* at which I have glanced" (Letter to King, March 4, 1804).

John Quincy Adams broke with the Federalists at this time, and some years later he declared in much detail his knowledge of this plot, of which he strongly disapproved. "The plan was so far matured," says Adams, "that it had been proposed to an individual to allow himself, when the time was ripe, to be placed at the head of the military movements." This "individual" was Hamilton, whom the Junto counted on also to bring New York into the treasonable confederacy.

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<sup>1</sup> Most of these leaders lived in Essex County, near Boston.

But Hamilton frowned on the project,<sup>1</sup> and the leaders found little support at this time in their own State. Thus this "first Federalist plot" never got beyond private letters and closet conferences.

478. The embargo of 1807 prepared the mass of New England people for desperate measures; and the years 1808–1809 saw a *popular movement for nullification*. December 27, 1808, a Bath town-meeting called on the General Court of Massachusetts "to take immediate steps for relieving the people, either by themselves alone or in concert with the other commercial States." The meeting then appointed a "*committee of safety . . . to correspond . . . and give immediate alarm, so that a regular meeting may be called whenever any infringement of their [Bath's] rights shall be committed by any person or persons under color and pretence of authority derived from any officer of the United States.*" Other towns took similar action, and the movement spread to State governments. Governor Trumbull of Connecticut declared the Embargo Act "*unconstitutional, . . . interfering with the State sovereignties, and subversive to the rights . . . of citizens.*" He refused the request of the Secretary of War that he appoint officers to enforce the Act in his State; and in his address to the Connecticut legislature (February 23, 1809) he placed himself on the precise ground of the Kentucky Resolutions of '99:—

"Whenever our national legislature is led to overleap the prescribed bounds of their constitutional powers, on the State legislatures, in great emergencies, devolves the arduous task, — it is their right, it becomes their duty, — *to interpose their protecting shield* between the rights and liberties of the people and the assumed power of the General government."

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<sup>1</sup> Hamilton agreed that the "disease of democracy" was serious enough; but he did not believe that disunion would afford a remedy. He seems rather to have looked forward to a *general* convulsion, when a strong aristocratic government might be set up as a result of war. There is reason to think that he accepted Burr's challenge to the duel in which, soon after, he lost his life, only because he felt that a refusal would disqualify him for high military command in the struggle he expected.

The legislature of Massachusetts, acting on this principle, prescribed fine and imprisonment for officers of the Union who should try to enforce the law in that State. Open conflict was avoided, and this "second series of plots" was closed, only when the Federal government surrendered and repealed the Embargo.

**479.** The third distinct period of New England opposition was longer and more serious. It ran through the three years of foreign war. For 1812–1813, a few details must suffice. (1) *By unlawful and treasonable, but highly profitable, trade*, New England merchants and farmers fed the British army in Canada.<sup>1</sup> At one time the British commander there wrote to his home government,—"Two thirds of the army are at this moment eating beef provided by American contractors." (2) *New England Representatives in Congress*, with the full approval of their constituents, *used every effort to defeat the bills to fill up the ranks* of the depleted army. When a bill was under consideration to permit minors over eighteen to enlist, Quincy of Massachusetts exclaimed:—

"It must never be forgotten . . . that *these* United States form a political association of *independent sovereignties*. . . . Pass this bill, and if the legislatures of the injured States do not come down on your recruiting officers with the old laws against kidnapping and man stealing, they are false to themselves . . . and their country."

(3) *The militia refused to obey the call of the President*. In 1812 Madison, as authorized by Congress, called on the State governors to order out the militia to repel *expected* invasion of their own coasts. The governor of Massachusetts declared that neither invasion nor insurrection existed (Constitution, Art. I, sec. 8); and the Supreme Court of the State assured him that it belonged to him, rather than to President and Congress, to decide whether the summons was constitutional. Vermont then recalled her militia from service.

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<sup>1</sup> McMaster, IV, 65–66. Cf. § 216.

**480.** In the closing year of the war, the defeat of Napoleon freed England's hands for more vigorous action against America. This condition encouraged New England Federalists to enter on a definite movement for secession. The first step was to have town meetings petition the Massachusetts General Court to secure a separate peace for that State.

As early as June 29, 1812, a Gloucester meeting voted: "If a destruction of our commerce and fisheries are the terms on which a *confederation of the States* (!) is to be supported, the Union will be to us a thread, and the sooner it is severed, the better. . . . We view the salvation of our country as placed in the hands of the *commercial States*, and to them we pledge our lives, our fortunes, and everything we hold dear in time." In January, 1813, an Essex county address to the Massachusetts legislature ran: "We remember the resistance of our fathers to oppressions which dwindle into insignificance compared to those we are called on to endure [at the hands of the United States government, this means] . . . and we pledge to you . . . our lives and property in support of whatever measure the dignities and liberties of this *free, sovereign, and independent State* may seem to your wisdom to demand." A typical address from Amherst in January of 1814 (Noah Webster presiding) pledged to the Massachusetts legislature the support of the town in any measures the legislature should see fit to adopt to restore peace, "*either alone or in conjunction with neighboring States.*"

The legislature referred such addresses to a special committee. *This committee advised a convention of the New England States.* The legislature, however, put the matter over to the next General Court, which would "come from the people still more fully possessed of their views and wishes." This "referendum" returned a legislature strongly committed to a New England convention.

*That new legislature then called the Hartford Convention*, and appointed delegates. Connecticut and Rhode Island joined the movement, and New Hampshire and Vermont were represented at the meeting in irregular fashion, by delegates chosen in county meetings.

**481.** Extreme Federalist leaders made no secret of their hope that the Convention would form a new confederacy of northern

**States.** Gouverneur Morris wrote exultantly to a member of Congress : —

“ I care nothing more for *your* actings and doings. Your decrees of conscriptions and your levy of contributions are alike indifferent to one whose eyes are fixed on a *star in the East*, which he believes to be the dayspring of freedom and glory. The ‘ traitors and madmen ’ assembled at Hartford will, I believe, *if not too tame and timid*, be hailed hereafter as the patriots and sages of their day.”

Pickering, with equal delight, wrote, “ I do not expect to see a single representative from the Eastern States in the next Congress ”; and *he advised the Massachusetts government to seize the Federal custom-houses and revenues within her borders at once, and prepare for her own defense against either England or the United States.* The *Boston Centinel* (September 12) announced that the old Union was practically dissolved; and, November 9, with plain reference to the *Boston Chronicle's* famous illustration of 1788 [page 309], it announced that the second and the third “ pillars of a new Federal Edifice ” had been reared,—referring to the fact that Connecticut and Rhode Island had followed Massachusetts in choosing delegates to the Hartford Convention.<sup>1</sup>

**482. The Hartford Convention** met December 15, 1814, and remained in session one month. It *talked* State sovereignty and nullification. It blustered and threatened. As an ultimatum, it demanded amendments to the Constitution (which would have rendered the government impotent in a crisis) and the immediate surrender to the States of control over their own troops and taxes (which would have been a virtual dissolution of union). All its words and acts pointed to secession; *but it did not take up the matter of actual separation.* Instead, it provided for a new convention, to be held a little later, and

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<sup>1</sup> January 15, 1815, the *Boston Gazette* advised Madison to get a **faster horse** than he had when he fled from Washington before the British raid, — “ *or the swift vengeance of New England will overtake the wretched miscreant in his flight.* ”

## SECOND PILLAR

*Of a new FEDERAL EDIFICE reared.*

### LEGISLATURE OF CONNECTICUT.

HARTFORD, NOV. 7. The joint Committee of the Legislature of this State to whom was referred the communication from the Governor of Massachusetts, have reported at much length and with great ability on the subjects connected with the objects of their mission. In conclusion the Committee say,

"In what manner the multiplied evils which we feel and fear, are to be remedied, is a question of the highest moment, and deserves the greatest consideration. The documents transmitted by His Excellency the Governor of Massachusetts, present, in the opinion of the Committee, an eligible method of combining the wisdom of New-England, in devising, on full consultation, a proper course to be adopted, consistent with our obligations to the United States."

They therefore recommend, that Seven Delegates from this State be appointed to meet the Delegates from the Commonwealth of Massachusetts, and of any other of the New-England States, at Hartford on the 15th December, to confer with them on the subjects proposed by a Resolution of said Commonwealth, and upon any other subjects which may come before them, for the purpose of devising and recommending such measures for the safety and welfare of those States, as may consist with our obligations as members of the national Union. This report has been adopted in both Houses, and the following persons have been appointed Delegates:—

His Honor CHAUNCEY GOODRICH,  
Hon. JAMES HILLHOUSE,  
Hon. JOHN TREADWELL,  
Hon. ZEPHANIAH SWIFT,  
Hon. NATHANIEL SMITH,  
Hon. CALVIN GODDARD,  
Hon. ROGER M. SHERMAN.

## THIRD PILLAR RAISED.

### LEGISLATURE OF RHODE-ISLAND.

PROVIDENCE, NOV. 5. On Tuesday the Legislature of this State convened in this town. His Excellency Governor Jones the same day sent them a message, containing an able, independent and intelligent development of the situation of the National and State affairs, and communicated to them the important Resolutions and Communications of the Governor and Legislature of Massachusetts, on the subject

## Centinel Nautical Memoranda.

### PORT OF BOSTON—1814.

MONDAY, NOV. 7, ar. boat Hope, from Thomaston. Left there on Saturday last, and spoke in the river; the English sloop which had been carried into Camden, from whence she had made her escape in the night, while the British squadron was before the place. The Hope saw the African B'n King's sch. as she came between Franklin and George's Island—Monday forenoon, saw a small privateer sch. close under Baker's Island, standing off; supposed to be the Lunenburg. When the Hope left Thomastown, the militia were flocking to Camden from all quarters.

7th, ar. (below), sloop Polly, Geyer, from Waldoboro', with wood. On Sunday evening, off Cape-Ann, blowing fresh and stormy, was hailed from a sloop, the people on board of which said they did not know where they were, being strangers, and requested a pilot to navigate her in. She proved to be the Jefferson packet, (late Forsyth) of and from Providence for N. York, cargo salt, in possession of 5 Englishmen, having been captured on Tuesday last, off Pt. Judith, by the Minerva privateer, and ordered for Halifax. Capt. Geyer was requested to take charge of the vessel, and get her into the first port, and he accordingly brought her in here, together with the prize-crew. On the arrival of the two vessels in the harbour, the Englishmen took to their boat, and went ashore on one of the islands.

Capt. Sawyer, from Portland, saw a small English privateer, with two gaff-topsails, at an anchor under Halibut Point, (Cape-Ann,) on Saturday afternoon last, and two ships standing in from the E. The privateer immediately got under way, and gave chase to them, but losing ground, she bore away in chase of a sch.

Brig Rachel, Patterson, from Portland for Wilmington, N. C. cargo salt, was captured on the 4th inst. by the Br. privateer Rover, and ordered for Liverpool, N. S. She sailed from P. the evening previous, and belonged to Wilmington. The crew were landed at Sandy Bay on Friday evening, in the fishing-boat Traveller.

### Privateer MAMMOTH'S Cruise.

Portland, Nov. 7. On Monday arrived privateer Mammoth, Capt. Franklin, from a cruise. Besides speaking and boarding a number of Russian, French, Swedish and Portuguese vessels, she made the following British prizes:—June 26, 1814, sloop Farmer, a recapture. July 17, brig Britannia, with lumber, &c. burnt her. 20th, sch'r Brothers, with fish, put prisoners on board her, and ordered her to St. Johns. 24th, brig Urania and brig Ann-Eliza, both in ballast, and burnt them. 25th, brig Eliza, in ballast, gave her up to the prisoners. 26th, brig Kinaley, lumber, &c. scuttled her. 27th, sch'r Good intent, fish, gave her up to prisoners. Aug. 2d, brig Sarah, flour, took out 60 bbls. and burnt her. 3d, brig Alexander, from W. I. for England, sugar, rum,

adjourned to give time for the New England States to negotiate further with the government at Washington.

**483.** Then the unexpected announcement of peace brought the whole movement to an ignominious collapse. The new spirit of nationalism, which at once swept over the country, buried the Federalist party and drove the old New England leaders from public life. The rest of their years they spent in explaining to an indifferent world that they had not meant anything anyway. The peculiar meanness of their disunion movement lies in the fact that it was a stab in the back to the Nation already engaged in desperate foreign war.

**FOR FURTHER READING.**—Babcock's *Rise of American Nationality* (opening chapters) has a good brief account of the New England Disunion movements. An admirable *summary* may be found in Roosevelt's *Gouverneur Morris*, 352–361.

## PART VIII

### A NEW AMERICANISM, 1815-1830

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#### CHAPTER XLIV

##### A THIRD "WEST"

**484.** The war originated in blunder. It cost two hundred millions of dollars and thirty thousand lives — besides the incalculable waste and agony that go with war. It was conducted discreditably. And it was ended without mention of the questions that caused it. Still it **did give a new impulse to Nationality and to Americanism.**

For a while there had seemed serious danger that our frontiers might be curtailed. All the more buoyantly the spirits of the people rebounded into extravagant self-confidence at the boast, — "Not an inch of territory ceded or lost." The popular imagination forgot shames and failures, and found material for self-glorification even in the campaigns. Once more we had "whipped England."

In the years that followed, this exuberant Americanism was a mighty factor in the eager occupation of our wild territory; in attempts to extend that territory; and in warning Europe to keep hands off this hemisphere.

**485.** The years just after the war saw the "West" made over and greatly extended. (1) War-wearied Europe poured emigrants upon our shores as never before, and our own people sought eagerly a refuge in the farm lands of the West and "Lower South" from the demoralized industries of the older sections (§ 486). (2) These *new homeseekers* found *homes* readily, because the war extinguished Indian title to vast tracts never before open to settlement (§ 488), and because the government now adopted a land

policy more liberal even than that of 1800 (§ 489). And (3) there appeared *new facilities for transporting* the new home seekers to the land of new homes — in an advance in steam navigation and in a new era of road building (§ 490 ff.).

**486.** Immigration from Europe had been fairly uniform from the Revolution to the War of 1812, — some *four or five thousand a year*. In 1817 the number of immigrants rose at a bound to 22,000; and **the fifteen years, 1816-1830, brought us a half-million**,<sup>1</sup> — mainly from Ireland, England, and Germany. Most of these newcomers found their way at once to new lands in the West.

**487.** This westward stream was tremendously augmented by the general demoralization of industry in the Atlantic districts. Return of peace in Europe put an end to New England's monopoly of the world's carrying trade. At the same time the new manufactures, which had been built up while the war shut out English goods, were exposed to ruinous foreign competition. In the South, the great planters had been declining in wealth for a generation; and the six years of embargo and war, with no market for tobacco or cotton, had hastened their ruin.<sup>2</sup>

"Bad times" always turn attention to Western farms; and whole populations in seaboard districts were seized now with "the Ohio fever." "Old America seems to be breaking up and moving westward," wrote Morris Birkbeck<sup>3</sup> in 1817, while journeying on the National Road. "We are seldom out of sight, as we travel this grand track toward the Ohio, of family groups behind or before us."

**488.** The Indian campaigns, in the long run, proved the most important part of the War of 1812. Just before war with England began, *Tecumthe*, a notable organizer and patriot, united all the

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<sup>1</sup> The next sixteen years brought twice as many; and then the Irish famine (*Modern World*, § 766) sent us a million from Ireland alone in four years.

<sup>2</sup> Jefferson and Monroe were almost in a state of poverty before their death, and Madison's fortune was seriously reduced. Professor Dodd asserts (*Expansion and Conflict*, 13) that Jefferson's home, Monticello, with 200 acres of land, sold for \$2500, in 1829.

<sup>3</sup> A European observer, himself seeking a home in the West. A graphic account of the westward movement is given in McMaster, I, 381 ff.

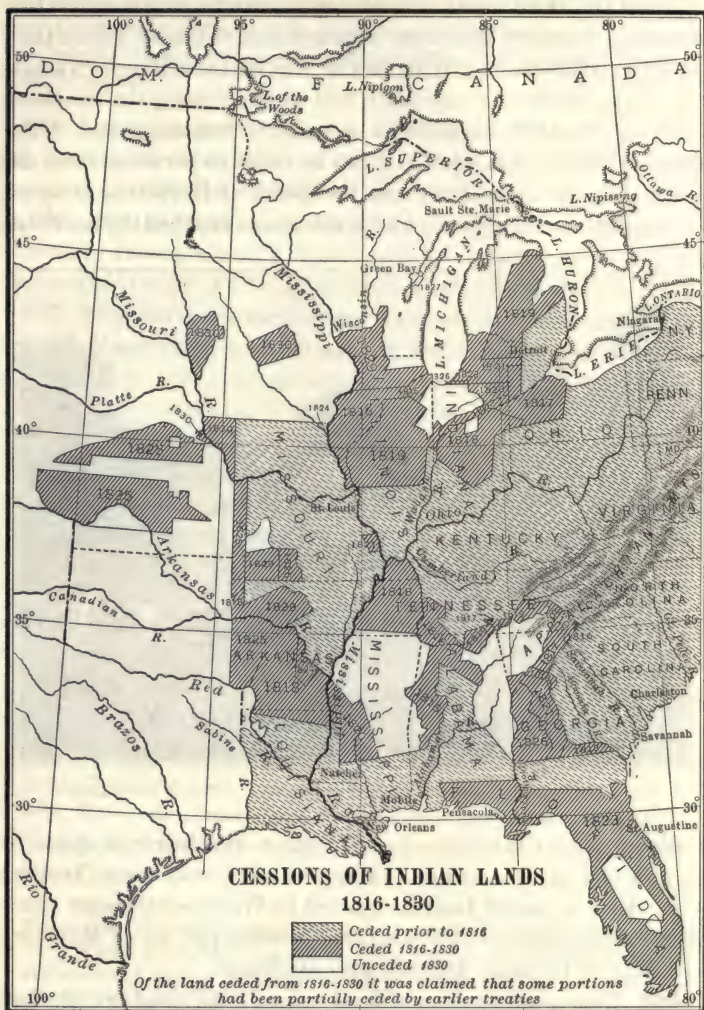
tribes of the West into a formidable confederacy to resist White advance. General Harrison attacked and defeated Tecumthe's forces at *Tippecanoe*, a tributary of the Wabash River (November, 1811), while that chieftain was absent among the Southern Indians. In 1812 the struggle merged in the larger war. The *Battle of the Thames* (§ 475) takes its chief importance from the death there of Tecumthe; and the *Battle of Horseshoe Bend* (in the winter of 1814), where Andrew Jackson crushed the Southern



MONTICELLO, the home of Thomas Jefferson. From a photograph.

Indians, meant far more for American development than the victory at New Orleans. When conflict was over, treaties with the conquered Indians opened to White settlement much of Georgia, most of Alabama and Mississippi, all of Missouri, and half of Indiana, Illinois, and Michigan.

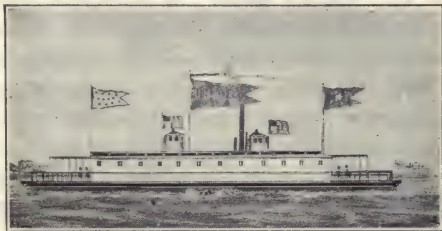
**489.** The credit system of land sales (§ 458) had not worked well. Optimistic pioneers bought large amounts of land with all their ready cash, and found themselves unable to make the later payments. In 1820 Congress abolished the plan, but



THIS MAP, WITH PERMISSION, IS SLIGHTLY SIMPLIFIED FROM THAT OF  
DR. FREDERICK J. TURNER IN HIS "NEW WEST."

began to offer *80-acre lots at \$1.25 an acre*. One hundred dollars would now secure full title to a farm. Settlers who had previously made some payments on the credit plan were given full title to as many acres as they had paid for at this new rate.

**490.** In 1811 the steamboat *Orleans* was launched *on the Ohio* at Pittsburg; and after the war, steam navigation quickly became the chief means of travel in the West. In 1818, *Walk-in-the-Water* was launched on Lake Erie. Two years later, **sixty steamers plied on the Ohio and Mississippi**, and others were finding their way up the muddy waters of the Missouri, between herds of grazing buffalo. It now took only five days to go from St. Louis to New Orleans, and two weeks to return.



FULTON'S FERRY BOAT, *The Union*, built in 1836. From a print of 1859. Compare with *The Clermont* on page 384. For the full significance of the name in 1836, see §§ 579-584.

A steamboat could be built anywhere on the banks of a river, out of timber sawed on the spot. At first, engine and boilers had to be transported from the East; but soon they began to be manufactured at Pittsburg, whence they could be shipped by water. The woods on the banks supplied fuel.

Some of the vessels were "floating palaces" for that day,—"fairy structures of Oriental gorgeousness and splendor," exclaims one exultant Westerner,—

"rushing down the Mississippi as on the wings of the wind, or plowing up between the forests and walking against the mighty current as things of life; bearing speculators, merchants, dandies, fine ladies . . . with pianos, novels, cards, dice, and flirting, and love making, and drinking; and, on the deck, three hundred fellows, perhaps, who have seen alligators and fear neither gunpowder nor whisky."

The flatboats and rafts (§ 305) still swarmed out upon the great rivers from every tributary, and made a somber contrast

to this picture. A flatboat was manned by a crew of six to twelve men. A journey from Louisville to New Orleans took six months. Many boats did not go so far. Whenever the cargo was sold out, the boat itself was broken up and sold for lumber; and the crew returned home by steamer — instead of on foot as in 1800. In 1830 a traveler on the Mississippi saw ten or twelve such boats at every village he passed. Flatboatmen, raftsmen, and the deckhands of the great steamers made, as Dr. Turner says, “a turbulent and reckless population, living on the country through which they passed, fighting and drinking in true ‘half-horse, half-alligator’ style.”

**491.** Only twenty miles of the **National Road** (§ 455) were completed at the close of the war; but in 1816 it received an appropriation of \$300,000, followed by others as fast as they



THE NATIONAL ROAD.

could be used. By 1820, with a cost of a million and a half, it reached Wheeling, on the upper Ohio waters. Thence, at a total cost of nearly seven millions (carried by thirty-four appropriations from Congress), it was pushed on to Columbus, Indianapolis, and finally to Vandalia (then capital of Illinois).

From the lower waters of the Potomac almost to the Mississippi, crossing six States, this noble highway with its white milestones spanned the continent in a long band, bridging streams on magnificent stone arches, and cutting through lines of hills on easy grades. The eastern part was formed of crushed stone on a thoroughly prepared foundation; the western portion was more roughly macadamized. In 1856 (after railroads had superseded such means of transit in importance)

Congress turned the road over to the various States in which it lay.

The cost of the road — even the early cost of that part *east* of Ohio — far exceeded the original “five per cent fund,” from Ohio lands. The road was a true national undertaking, paid for by national revenues. The fiction of merely “advancing funds” was long kept up, however, to dodge constitutional objections; and the consent of each State through which the road passed, was asked and obtained.

**492. For a time it was expected that the government would build other great lines of communication.** It had felt keenly the military need of good roads during the war — when at critical times it had been almost unable to move troops or supplies. The Westerners, too, were clamoring for more national aid, and their votes in Congress were gaining weight. Moreover, at the peace (with the renewal of the import trade) the national revenues became abundant. In 1815 they rose at a bound from 11 to 47 millions of dollars. Madison’s administration now abandoned the old Jeffersonian policy of keeping down the army and navy, and raised its estimate of annual expenditure to 27 millions; but, even so, a large surplus was piling up in the treasury.

The Message to Congress in December, 1816, renewed Jefferson’s suggestion for a constitutional amendment to permit the use of this surplus in a “comprehensive system of roads and canals . . . *such as will have the effect of drawing more closely together every part of our country*” and of increasing “the share of every part in the common stock of national prosperity.” Congress ignored the suggestion for amendment, but provided funds for immediate use. An act for a new National Bank<sup>1</sup> gave the government a “bonus” of \$1,500,000 (for the special privileges of the charter), besides certain shares in future

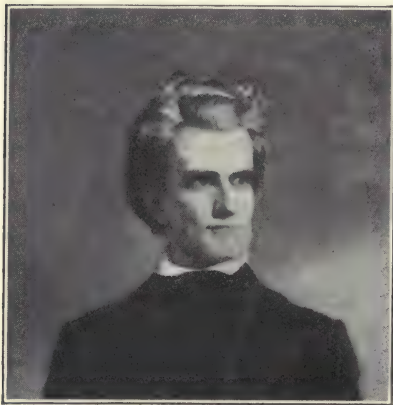
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<sup>1</sup> The charter of the First Bank expired in 1811, and Republican opposition had prevented a renewal at that time. But, in 1816, the new Nationalism disregarded former scruples. The bill, championed especially by Calhoun and Clay, received almost a solid vote, and was approved by Madison.

dividends; and now Calhoun's "*Bonus Bill*" pledged these funds to the construction of roads and canals.

Calhoun urged his bill on broad grounds, finding sanction for it even in the "general welfare" clause. "Let it never be forgotten," he exclaimed, "that [the extent of our republic] exposes us to the greatest of all calamities, next to the loss of liberty itself (and even to that, in its consequences), — disunion. We are greatly and rapidly — I was about to say, fearfully — growing. This is our pride and our danger; our weakness

and our strength. . . . We are under the most imperious obligation to counteract every tendency to disunion. . . . If we permit a low, sordid, selfish sectional spirit to take possession of this House, this happy scene will vanish. We will divide; and, in consequence, will follow misery and despotism. Let us conquer space. . . . The mails and the press are the nerves of the body politic."



JOHN C. CALHOUN, as a young man. From a portrait in a painting of several full-length figures, by C. P. A. Healy, in the chapel of Clemson College, South Carolina.

the *purpose* of the act, but insisted that a Constitutional amendment must be secured.

The next year, under President Monroe, Congress renewed its effort for national aid to roads. But Monroe, in his inaugural and in his one veto, took Madison's ground. The enraged Congress retorted with bitter resolutions condemning the President's position, but it did not venture to challenge more vetoes or to make trial of the dubious process of Constitutional amendment.

To the savage disappointment of the Young Republicans, Madison vetoed the bill in a message that returned to the Jeffersonian doctrine of strict construction. He expressed sympathy with

**493.** For a time, therefore, the routes from the seaboard to the West were the National Road and the Ohio.<sup>1</sup> But soon **two other routes were added.**

a. Planters abandoned the "worn-out" tobacco lands of Virginia and North Carolina for the "cotton belt," — a broad sweep of black alluvial soil<sup>2</sup> running through South Carolina, Georgia, Alabama, and Mississippi, between the coast and the pine barrens of the foothills. To even the distant parts of this region they found access by land, through central Georgia, with their caravans of slaves and goods.

Dr. Turner suggests graphically the contrast between the migration into Northwest and Southwest: here, the pioneer farmer, bearing family and household goods in a canvas-covered wagon; there, the aristocratic, gloved planter, in family carriage, attended by servants, packs of hunting dogs, and train of slaves, their nightly camp fires lighting up the wilderness.

*Thus the **Lower South** came into being. Until the discovery of California gold, no other part of America offered men of small capital such chances of sudden wealth. The new aristocracy of the black belt soon took to itself the leadership in Southern politics so long held by Virginia.*

b. Each year the Wilderness Road (now improved into a wagon track) bore a large immigration from Virginia into Kentucky. Part of this colonization passed on across the lower Ohio into southern Indiana and Illinois, or across the Mississippi into Missouri. Another part moved through Tennessee down the bank of the Mississippi to the cotton belt, to meet the stream of immigration there from the East.

**494.** This double movement through Kentucky (as Dr. Turner reminds us), with many other features of Western life, is illustrated by the families of Abraham Lincoln and Jefferson Davis. The two boys were born near one another in Kentucky in 1809

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<sup>1</sup> That river was reached from the East either by the National Road to Wheeling or by the Pennsylvania turnpike from Philadelphia to Pittsburg.

<sup>2</sup> The name "black belt," applied to this district, refers sometimes to the soil, but more especially to the concentration of Negro population there.

and 1808. The Davis family soon moved on to Louisiana and then to Mississippi, had its part under Jackson in the War of 1812, and became typical planters of the black belt. In 1810



Thomas Lincoln, a rather shiftless carpenter, rafted his family across the Ohio, with his kit of tools and several hundred gallons of whisky, to settle in southern Indiana. For a year the

family shelter was a "three-faced camp" (a shed of poles open on one side except for hanging skins or canvas); and for some years more the home was a one-room log cabin without floor or window. As in most houses of the kind, the floor, when it came, was made of logs split in halves and laid with backs down.

When Abraham Lincoln was a raw-boned youth of six feet four, with blue shinbones showing between the tops of his socks and the bottom of his trousers, the family removed again, to Illinois. Abraham, now twenty-one, after clearing a piece of land for his father, set up for himself. He had had very few weeks of schooling; but he had been fond of practicing himself in speaking and writing clearly and force-



THE BIRTHPLACE OF ABRAHAM LINCOLN at Hodgenville, recently enshrined within a magnificent granite memorial building erected by contributions of rich and poor in North and South.

fully, and he knew well five or six good books — the only books of any sort that had chanced in his way. After this date, he walked six miles and back one evening to borrow an English grammar, and was overjoyed at finding it. He was scrupulously honest and fair in all dealings, and intellectually honest with himself, — and champion wrestler among the neighborhood bullies. He made a flatboat voyage to New Orleans; clerked in a country store, where he was the best story-teller among the loose-mouthed loafers who gathered there; studied law, and went into politics, — finally to meet his childhood neighbor, Jefferson Davis, in new relations.

**495.** Shortly before 1830, a yet more important road was opened to the West. Thinkers had long seen the possibility of water communication between the Atlantic and the Lakes, by way of the Hudson *and a canal* along the Mohawk valley.

Gallatin's plan of 1808 (§ 456) included such a canal at national expense; and in 1816 and 1817 the Congressional plans for internal improvements, with this as one object, failed only because of Madison's and Monroe's unexpected vetoes. But national aid had proved a delusion; and now *De Witt Clinton*, governor of New York, *persuaded the State to take up the work*. In 1825, after eight years of splendid effort, the **Erie canal** was completed, — 300 miles in length from Albany to Lake Erie.

DeWitt Clinton had been jeered as a dreamer of dreams; and, in truth, the engineering difficulties for that day, and the cost for the State, meant more effort than does the Panama Canal to the United States to-day. The ditch was forty feet wide. It had eighty-one locks, to overcome a grade of seven hundred feet. Before the end, the cost of seven millions appalled the most enthusiastic champions of the scheme; but cost and upkeep were more than met from the first by the tolls (half a million dollars the first year, and twice that annually before 1830), while the added prosperity to the State outran even Clinton's hope. Little Buffalo became the main station for the vast fur trade that previously had gone to Europe by way of the St. Lawrence. Farm produce in the western counties doubled in value; land trebled; freight from New York to Buffalo fell from \$120 to \$20 a ton, and in a few years, to \$6. In one year the 20 vessels on Lake Erie became 218. The forests of the western part of the State were converted into lumber, staves, and pearl-ash, and their place was taken by farms and thriving villages. New York City, the port for all the Lake district, doubled its population between 1820 and 1830, taking Philadelphia's place as the leading American city and securing more than half the total import trade of the United States.

**496.** Pennsylvania now found that her recent expense for good roads *by land* counted for little against New York's water communication with the West, and in 1826 she began her own system of canals from the Susquehanna to Pittsburg. This doubled the value of farm produce in the eastern Ohio valley.

From the great highways, too, cheap but helpful "State roads" and private turnpikes began to radiate in other parts of the West. Ohio and Illinois lacked stone for road building, but they invented a "plank road" — long a favorite in those States. The trees along the "right of way" furnished heavy hewn planks, which were laid side by side on a prepared level surface of earth.

**497.** The success of the Erie and Pennsylvania canals overstimulated canal building. In particular, **the new States entered upon an orgy of building** far beyond their means. Between 1825 and 1840 nearly five thousand miles of costly canals were constructed in America, — of which four fifths were either needless or were replaced soon by the railroad.

**498.** The rapid growth of the "New West" through the period 1815–1830 had never had a parallel in human history. Between the admission of Ohio and that of Louisiana there had been an interval of ten years (1802–1811). Now *in six years six States came in*: Indiana, in 1816; Mississippi, 1817; Illinois, 1818; Alabama, 1819; Maine, 1820; and Missouri, 1821. During the next decade the Western States grew at the rate of from a hundred to a hundred and fifty per cent, while Massachusetts and Virginia remained almost stationary. Ohio in 1830 had a million people, — more than Massachusetts and Connecticut together. The center of population in 1830 was 125 miles west of Baltimore (§ 433); and the Mississippi valley contained more than three and a half millions of our total population of thirteen millions, while a million more, in the back districts of the older States, really belonged to this Western movement. *Since 1800, the West had grown from a tenth to a third of the nation.* New England's total population was only two million, and she had gained only half a million in the last decade (even including the growing "frontier" State of Maine), while the Mississippi valley States had gained a million and a half. Indiana in the decade from 1810 to 1820 grew from 24,000 to 147,000!

**499.** Throughout the period, **Virginia held first place as mother State for the new commonwealths both north and south of the Ohio.**<sup>1</sup>

<sup>1</sup>Dr. Turner (*The New West*) has some interesting figures to show the preponderance of Southern immigration. Of the Illinois legislature in 1833, he

Her first emigration to the Lower South, like that into Kentucky in Revolutionary days, went mainly from her yeoman class, without slaves, or with only one or two to a family. But soon a stream of aristocratic planters followed these "small farmers" and pushed them back from the fat lands of the cotton belt to the foothills. There the small farmers continued to make the bulk of the population, much as in western Pennsylvania or North Carolina, raising, mainly, not cotton or tobacco, like the "planters," but wheat, corn, and live stock.

**500.** *New England* was populating her own frontier counties in Maine, and also, in good measure, the western districts of New York and the Lake region of Ohio. **Her sons did not begin to come in large numbers into the great central valley until the close of this period.**

So far as they did come, *they were from her western democratic farming communities.* They kept much of the old Puritan seriousness and moral earnestness, mingled with a radicalism like that of original Puritans of the Roger Williams type. They were reformers and "come-outers" in religion and politics and society. Temperance movements, Mormonism, Abolitionism, Bible societies, Spiritualism, Anti-masonry, schools and colleges, when such things came in the West, all found their chief support from this element of the population.

FOR FURTHER READING. — Turner's *Rise of the New West*, and Dodd's *Expansion and Conflict*, 20-37.

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tells us, 58 members were from the South, 19 from the Middle States, and only 4 from New England. As late as 1850, two thirds the population of Indiana was Southern in origin. Indeed, the "Hoosier" element was, originally, wholly from North Carolina.

## CHAPTER XLV

### FOREIGN RELATIONS, 1815-1830

**501.** FROM Waterloo to the Crimean War (1815-1854), Europe had no *general* war. This made it easier for the United States to withdraw from European entanglements ; and, with one great exception (§ 504), **our foreign questions were concerned mainly with unsettled boundaries.** The Treaty of 1783 had drawn our northern boundary from the Lake of the Woods "due west" to the Mississippi. But Pike's exploration (§ 469) had made clear that the Mississippi rose almost "due south" of that lake. Moreover, the line between the Louisiana Province and the British Possessions had never been determined. The Treaty of Ghent referred the matter to inquiry by a mixed commission ; and the "*Convention*<sup>1</sup> of 1818" between England and the United States fixed the boundary at the *49th parallel* from the Lake of the Woods to the "Stony Mountains."

**502.** A still more important "**Convention**" the preceding year (also provided for in the Treaty) had made a vast gain for humanity. The two nations agreed that neither should keep armed vessels (except revenue cutters) on the Great Lakes. *This humane and sensible arrangement is the nearest approach to disarmament yet reached by international agreement.* For the century since, in striking contrast to the constant threat of all European frontiers with their frowning fortresses crowded with hostile-minded soldiery, Canada and the United States have smiled in constant friendliness across the peaceful waters that unite our lands.

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<sup>1</sup> A name for an international agreement effected by an exchange of "notes" rather than by a formal "treaty."

**503.** Oregon at this time was an *indefinite* territory between Spanish California and Russian Alaska. No bounds had really been drawn for any one of these three regions.

Our basis for claiming Oregon has been stated (§ 467). Russia and Spain both claimed it because of their adjacent possessions. More serious were England's claims. Like all the claimants, England had territory adjacent to this "no man's land"; like the United States, she needed, through that land, an opening on the Pacific from her inland territory; and she had other titles corresponding closely to our own. (1) To leave out of account the ancient discovery by Captain Cook, *Vancouver* had explored the coast in an English vessel in 1792, just *before* Gray sailed into the mouth of the Columbia. (2) The year following, Alexander McKenzie, in the employ of the Hudson Bay Company, reached the region overland from Canada. Then (3) during the War of 1812, Hudson Bay officers seized Astoria, and England now had possession.

But in the negotiations with England in 1818 (§ 501) **John Quincy Adams** (Monroe's Secretary of State) **put forward emphatic claim to the whole Oregon district.** The "Convention" postponed settlement of the question, *leaving the territory open for ten years to occupation by both parties.* Then, in the Florida treaty of 1819-1821, Adams secured from Spain a waiver of any claim she might have had north of the 42d parallel. We looked upon this "quitclaim" from Spain as an acknowledgment that Oregon belonged to the United States.

Thus the matter rested. In 1828 the agreement with England for *joint occupation* was renewed, subject to a year's notice by either country. The debates in Congress showed that body rather indifferent to the matter. The predominant feeling was that we could never occupy so inaccessible and "barren" a region, and ought not to if we could. There were enthusiastic Westerners, however, whose robust faith foresaw (with the great Secretary of State) that in a few years Oregon would be nearer Washington than St. Louis had been a generation earlier, and that it was to make our indispensable

gateway to the Western ocean and the lands of the Orient, —“the long-sought road to India.” Said Senator Benton of Missouri, in an impassioned oration, reproaching Eastern indifference, “It is time that Western men had some share in the destinies of this Republic.”<sup>1</sup>

**504.** In 1821–1823 two foreign perils called forth from the Administration the proclamation of the new policy, *America for Americans*.

(1) In 1821 the Tsar of Russia forbade citizens of other powers even to approach within a hundred miles of the Pacific coast, on the American side, *north of the 51st parallel*. Russia had no settlements within hundreds of miles of that line; and this proclamation was practically an attempt to *reserve new American territory for future Russian colonization*. Moreover it would have turned the Bering Sea, with its invaluable fisheries, into a Russian lake, absolutely closed to all other peoples. The idea was peculiarly abhorrent, both because of Russia’s exclusive commercial policy (typified in the proclamation), and because the Tsar was the head of the despotic “Holy Alliance,” which at just this time was planning to extend its political system to South America and Mexico.

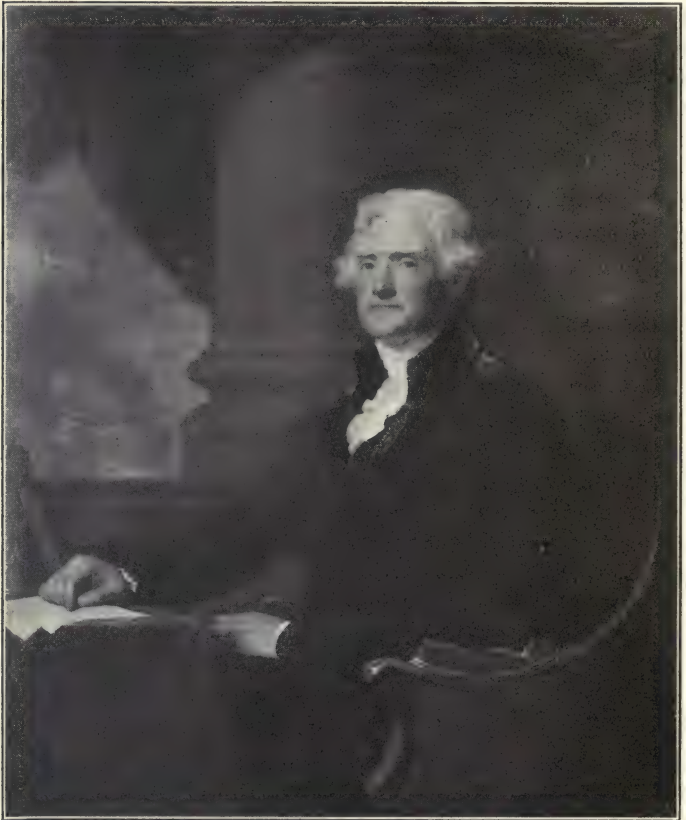
(2) That plan was itself the second peril. In 1821 the United States recognized the independence of the revolted Spanish American States (§ 464) and appointed diplomatic agents to their governments. But the “league of despots,” known as the Holy Alliance, having crushed an attempt at a republic in Spain itself, now planned to reduce the former American colonies of Spain to their old subjection.<sup>2</sup>

England stood forth in determined opposition. Canning, the English Secretary for Foreign Affairs, made four separate friendly suggestions to our minister in England that the two English-speaking powers join hands to forbid the project.

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<sup>1</sup> On these debates, see Turner’s *Rise of the New West*, 128–133, or McMaster, V, 25–26, 481–489.

<sup>2</sup> For a brief outline of all this story see *Modern World*, §§ 638–643.



**THOMAS JEFFERSON** in old age. From the portrait by Gilbert Stuart, now at Bowdoin College. From 1809 to his death in 1826, Jefferson, in retirement at Monticello, remained a chief leader of national policies, constantly consulted by Madison and Monroe. He died July 4, 1826, the fiftieth anniversary of the adoption of his great Declaration, on the same day with his old friend and rival, John Adams.

Président Monroe (and his unofficial advisers, Madison and Jefferson<sup>1</sup>) wished to accept this offer for allied action; but

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<sup>1</sup> Jefferson thought the matter "the most momentous since the Declaration of Independence." England's mighty weight—the only real peril to an

John Quincy Adams insisted strenuously that the United States must "not come in as a cockboat in the wake of the British man-of-war," and finally he carried the Cabinet and President with him in his plan for *independent* action.

Canning acted *first*, and, in his proud boast, "called the New World into existence, to redress the balance of the Old." His firm statement that England would resist the proposed attack upon the revolted American States put an abrupt close to the idea of European intervention. The declaration of policy in the United States came later, but it has had a greater *permanent* significance. In his message to Congress, December 2, 1823, Monroe adopted certain paragraphs on this matter, written by Adams. These paragraphs were the first announcement of the **Monroe Doctrine**:—

[1] With special reference to Russia and Oregon,—"the American continents . . . are henceforth not to be considered as subjects for future colonization by any European powers." [2] With regard to the proposed "intervention" by the Holy Alliance,—"*The political system of the allied powers is essentially different from that of America.*<sup>1</sup> . . . We owe it . . . to those amicable relations existing between the United States and those powers to declare that *we should consider any attempt on their part to extend their system to any portion of this hemisphere, as dangerous to our peace and safety.*<sup>2</sup> . . . With the existing colonies . . . of any European power we . . . shall not interfere. But with the Governments . . . whose independence we have . . . acknowledged, *we could not view any interposition, for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power, in any other light than as a manifestation of an unfriendly disposition toward the United States.*"

In justification of this position, the message proclaimed also that we intended not to meddle with European affairs. We

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independent American system—could now be brought to the side of freedom; and the fact would "emancipate the continent at a stroke." This result was attained, in the end, by *separate* action by the two countries.

<sup>1</sup> This statement regarding the despotic character of the powers united in the Holy Alliance has, of course, little logical bearing upon intervention in America to-day by any European country except Germany.

<sup>2</sup> This (like the final sentence quoted below) is the diplomatic way of saying that we should be justified in regarding such action as a declaration of war.

claimed primacy on this hemisphere; we would protect our weaker neighbors from European intrusion or molestation; but we would leave the Old World without interference from us.

*The thought of the message was not novel.* Part of it is found in Washington's utterances, and the best of it had been stated repeatedly by Jefferson (§ 446). But the *practical application*, in 1823, gave it a new significance. *From an "academic" question, it was suddenly lifted into a question of practical international politics.*

**505.** The message was thoroughly effective at the moment. England hailed it as making absolutely secure her own policy of preventing European intervention in America; and the Tsar agreed to move north 250 miles, and to accept the line of 54° 40' for the southern boundary of Russian Alaska.

But the "*Monroe Doctrine*" was not limited to that period. It had been announced merely as an expression of opinion by the President. No other branch of the government was asked even to express approval. But *the cordial response of the nation*, on this and all subsequent occasions, *has made the Monroe Doctrine*, in truth, *the American Doctrine*. The only real danger to its permanence is that we so act as to inspire our weaker American brethren with fear that we mean to use its high morality as a shield under cover of which we may ourselves plunder them at will. If it ever becomes probable that the sheep dog wards off the wolves that he himself may have a fuller meal, his function will not long endure.

FOR FURTHER READING. — Morse's *John Quincy Adams*.

## CHAPTER XLVI

### NATIONALISM AND REACTION

#### I. THE RISE OF "PROTECTION"

**506.** From 1807 to 1815 the embargo and the war shut out European goods. This afforded an artificial "protection" for home manufactures. We had to use up our own raw cotton, wool, and iron, or let them go unused; and we had to supply our own clothing, fabrics, tools, and machinery, or do without.

This new demand for building up home manufactures was met mainly in New England, where much capital and labor, formerly engaged in shipping, was temporarily unemployed. In 1807 New England cotton mills had only 8000 spindles in use (\$ 435); in 1809 the number was 80,000; and, by the close of the war, 500,000, employing 100,000 workers. Woolen and iron manufactures had not grown quite so rapidly; but they also were well under way. The total capital invested had risen to about a hundred million dollars. Two fifths of this was in the cotton industry.

**507.** When peace returned, it was plain that **this manufacturing industry, developed by unnatural conditions, could not sustain itself against restored competition.** We could *let it die*, and permit the capital and labor to find their way back into other industries; or we could now "*protect*" it *from foreign competition by law*. To do this, we would place high tariffs on foreign goods like those we manufactured.

If we adopted this policy of "protection," we should pay more for the articles than if we let them come in, untaxed, from the Old World, where their cost was lower. But, it was urged, we should have more diversified industries, larger city populations, and so more of a home market for our raw

materials and for foodstuffs, — and, after a time, when we should come to do the work efficiently, even cheaper manufactures, because of the absence of ocean freights.

The question of “protection” was not new. Earlier tariffs had been framed to carry “incidental protection” (§ 374); and in a famous *Report on Manufactures* Hamilton had argued for a protective tariff. But all such plans had been for taxation in order to *create* manufactures. It was more effective to call upon Congress to *preserve* industries into which a national war had driven our citizens.

Moreover, Calhoun and Clay urged that America must make itself independent, economically, of Europe. Such economic independence, they argued eloquently, was essential to real political independence. They took ground for America like that which led English statesmen in 1660 to favor the old Navigation Acts for the British Empire (§ 137). The war had just given point to the plea.

John Randolph raised his voice in almost solitary protest in Congress, *in behalf of the “consumer.”* With keen insight, he warned the agricultural masses that *they* were to pay the bills, and that, in the discussion of future rates, they would never be able to make their needs and opinions felt in Congress as could the small body of interested and influential capitalists: —

“Alert, vigilant, enterprising, active, the manufacturing interests are collected . . . ready to associate at a moment’s notice for any purpose of general interest to their body. . . . Nay, they are always assembled. They are always on the Rialto; and Shylock and Antonio meet every day, as friends, and compare notes. And they possess, in trick and intelligence, what, in the goodness of God to them, the others can never have.”

**508. The Tariff of 1816** was enacted by a *two-thirds vote* as an *avowed protective* measure. Revenue had become the incident. Imported cottons and woolens were taxed 25 per cent; and manufactured iron, slightly more.

On *cheap* grades of cloth the rate was really much higher than 25 per cent, — disguised by a “*minimum-price*” clause. That is, the bill provided that, *for purposes of taxation*, no cotton cloth should be valued at

less than 25 cents a yard. If the cloth was really worth only 13 cents, the tariff was still  $6\frac{1}{2}$  cents, or, in reality, *fifty per cent.* This effective device for placing the chief tariff burden upon the poorest classes was much practiced in later tariffs.

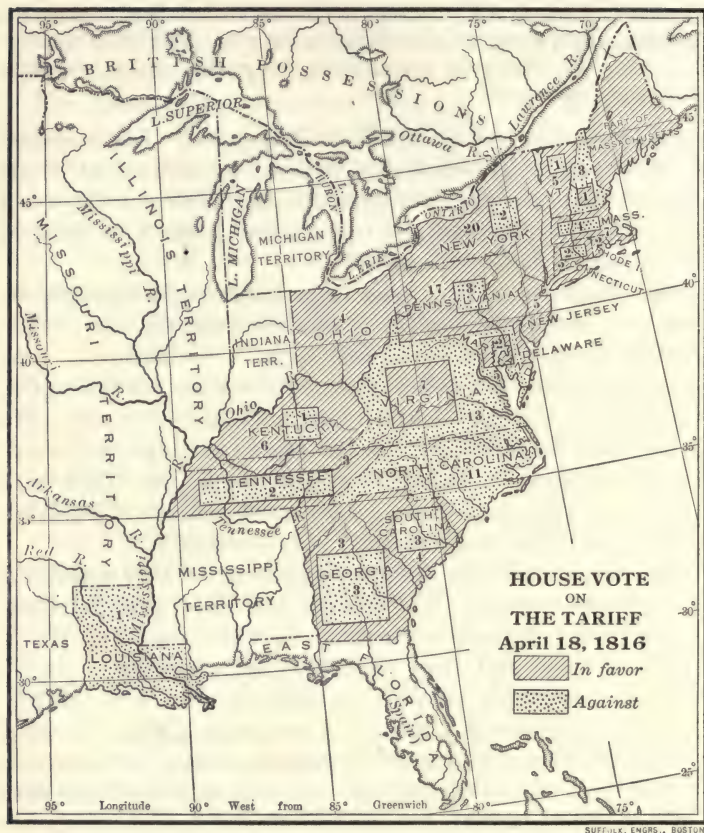
These rates proved too low for their purpose. English warehouses were heavily overstocked with the accumulations of the years of European wars, during which the markets of the world had been closed to them; and now these goods were dumped upon America at sacrifice prices.

**509.** Moreover, in 1819, came the first world-wide industrial depression. Senator Thomas H. Benton describes the years 1819-1820 as "a period of gloom and agony. No money . . . no price for property or produce. No sales but those of the sheriff. No purchaser but the creditor or some hoarder of money. No employment for industry." Niles' *Register*, a paper representing the interests of capital, confessed in August, 1819, that 20,000 men were daily hunting work on the streets of Philadelphia, — more than half the adult male population.

The American causes for this depression of 1819 resembled those of later "crises." (1) The promise of the tariff itself had caused overinvestment in factories in the East; and (2) in the West there had been reckless overinvestment in public lands by thousands of poor immigrants who were unduly allured by the "credit system" of purchase (§ 458). A third cause, which intensified the evil, was the recent multiplication of "wild-cat" State banks (after the expiration of the first National Bank in 1811), which had loaned money in extravagant amounts, and so had encouraged all sorts of speculation. When at length these banks found themselves forced to call in their loans, or to close their doors, they spread panic and confusion throughout society.

The manufacturing interests, however, ascribed all the depression to insufficient "protection," and clamored for more.

**510.** The Tariff of 1824 found its leading champion in Clay, who now glorified the protective policy with the name, *the American System*. The chief opposition in debate came from



Webster, who represented a commercial district in Massachusetts, and who took his stand upon absolute free-trade policy.<sup>1</sup> In general, New England was divided, wavering between manufactures and a return to its old shipping interests. The South had been almost solid for protection in 1816, but

<sup>1</sup> Webster followed the teachings of all "the Fathers," except Hamilton. The Revolution, in no small degree, was fought for the right to trade at will with the world. For a generation afterward, this fact gave a free-trade bias to our thought.



hoped to see a home market for its raw materials, — and which believed in “loose construction” because it wanted government aid for internal improvements. Tariff rates, on an average, rose to about 33 per cent; and, under this stimulus, the capital invested in manufactures trebled in three years. Clamor continued, however, for still higher protection; and, four years later, Congress enacted the third great tariff of this period, — the “Tariff of Abominations.”

**511. This Tariff of 1828** was engineered largely by men who planned to make Jackson President. None of the other political leaders dared oppose it on the eve of a presidential campaign, but they did make it an atrocious hotch-potch by amendments, — in the vain hope that its authors themselves would refuse to swallow it. Said John Randolph, “This bill encourages manufactures of no sort but the manufacture of a President.” Webster now changed sides, frankly assigning as his reason that Massachusetts had accepted protection as a settled national policy and had invested her capital in manufactures. *New England and the South had exchanged positions on the tariff since 1816.* The law raised the average of duties on taxed articles to 49 per cent, — far the highest point touched until the “war-tariffs” of the sixties, — and gave rise to a new nullification movement (§§ 574, 579 ff.).

EXERCISE. — Distinguish between free trade and protection. What is a revenue tariff? How will the articles taxed in such a tariff differ from those taxed in a “protective tariff”? If a large revenue is wanted, will it be secured more probably from a high tax on luxuries or a low tax on necessities? Would people pay willingly a direct tax equivalent to the indirect tax they pay on their morning coffee? *In a tax on necessities, do poor or rich pay most in proportion to their wealth?*

FOR FURTHER READING. — Morse's *John Quincy Adams*, Schurz's *Clay*, Roosevelt's *Benton*, and Lodge's *Webster* should be accessible.

## II. THE COURTS AND A NEW SECTIONALISM

**512. The feeling for nationality upheld the Supreme Court** in a remarkable series of decisions during this period. Perhaps the most famous case was that of *McCulloch v. Maryland* in

1819. Maryland had imposed a ruinous tax on the Baltimore branch of the National Bank, to drive it from the State, and had brought suit in her own courts against McCulloch, an officer of the Bank, to collect the money. The Maryland court upheld the tax and denied the constitutionality of the Bank—since the power to charter a bank was not among the “enumerated powers.” McCulloch applied to the Federal Supreme Court for a “*writ of error*.” That court took jurisdiction and reversed the State court. The decision was written by John Marshall. Three points deserve notice:—

(1) The title of the case would seem to imply a suit by an individual against a state—such as is forbidden to Federal Courts by the Eleventh amendment. But the State had *begun* the suit *originally*; and the Court held that in such a case an *appeal* by the individual was not forbidden by the amendment.<sup>1</sup>

(2) Following the argument of Hamilton in 1791 (§ 381), Marshall affirmed that Congress had power to charter the bank under the “necessary and proper” clause of the Constitution. Those words, he said, meant merely “appropriate.”

(3) The State tax law was declared void because in conflict with this Federal bank *law*. Before this, State laws had been declared unconstitutional only when in conflict with the Federal Constitution itself.

**513.** Between 1819 and 1828, *eleven of the twenty-four States had one or more laws declared void* by the Federal courts. These decisions, however, did not go without vehement opposition. Political writers piled up pamphlets of scathing denunciation against them; and **half the States protested or actually resisted some decree.**<sup>2</sup> Virginia sought strenuously to have Congress repeal the clause of the Judiciary Act that gave the Supreme Court its appellate power (§ 372). Ohio, by force, took from a

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<sup>1</sup> This was the express point decided by Marshall in another great case, *Cohens v. Virginia*, in 1821. It restored to the Federal judiciary a large part of the power that the Eleventh amendment had been thought to take away.

<sup>2</sup> Details are given in Turner's *New West*, 299-305, or, more fully, in McMaster, V, 412 ff.

branch of the National Bank a State tax, despite the decision of the Supreme Court, and held it for six years.<sup>1</sup> Georgia nullified a treaty made by the Federal government with the Southern Indians within her borders: the Supreme Court upheld the treaty; but Georgia threatened war if the government should try to enforce its rights, *and carried her point* (§ 585):—

**514. A Summary and a Forecast.**—The opposition to the Federal judiciary came from the South and West. This was merely *one* indication of a *new* sectionalism.

From 1800 to 1815, every suggestion of interference with commerce (New England's main economic interest) had called out threats of nullification or secession from that section. The pocket book was stronger than New England's loyalty.

The war created a new Nationalism. From 1815 to 1820, this force seemed wholly triumphant. It expressed itself (1) in demands for internal improvements, to bind the parts of the Union together more closely; (2) in protective tariffs, to make the country independent of Europe economically; (3) in a new National Bank, to finance the government; and (4) in the victory of "Broad Construction" along various other lines,—especially in a wider Federal control over internal commerce.<sup>2</sup>

But by 1820 this Nationalism had to contend with a reaction toward State sovereignty and sectionalism. From that time to the Civil War, political history is a struggle between the forces of Union and Disunion. This time it was the South that felt her pocket book in danger. She threatened to nullify protective tariffs (§ 579), because she thought they hindered her agricultural prosperity; and every suggestion of federal interference with slavery impelled her into disunion movements, because her leading industry rested on slave labor.

**515.** One of the first manifestations of the new sectionalism was the struggle that resulted in the **Missouri Compromise of 1820**. Until that time a careful balance had been maintained between slave and free States in admitting new commonwealths. Vermont offset Kentucky; Ohio, Tennessee (§ 384). Louisiana (1812) made the number of free and slave States just equal. But the free States grew much faster in population, and by 1820 (even under the three-fifths rule) they had the

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<sup>1</sup> McMaster, IV, 498 ff., tells this story in a striking way.

<sup>2</sup> *American History and Government*, § 280.

larger number of Representatives in the lower House of Congress *by a fourth*.

Missouri had been settled mainly through Kentucky, with many slaveholders among its people. In 1819 a bill for its admission to the Union came before Congress. *The proposed State lay north of the line of the Ohio*, which, with Mason and Dixon's line, divided free and slave territory *east of the Mississippi*. The North roused itself to insist on maintaining that same line *west of the river*; and mass meetings and legislative resolutions protested against admission with slavery. The South protested quite as vehemently against any restriction upon the wishes and rights of the Missouri people. The House of Representatives, by a majority of one vote, added an amendment to the bill, prohibiting slavery in the proposed State. The Senate struck out this "Tallmadge amendment,"<sup>1</sup> and the bill failed for that session. No one yet denied the constitutional power of Congress to forbid or regulate slavery in the *Territories*, but many Northerners, even, denied the right of Congress to impose restrictions upon a new *State*—so as to make it less "sovereign" than older States.

At the next session of Congress (1820), the Maine district of Massachusetts was also an applicant for admission as a new State. The House passed both bills, restoring the Tallmadge amendment for Missouri. The Senate put the two bills into one, and substituted for the Tallmadge prohibition of slavery *the Missouri Compromise*. Missouri was to be admitted, with permission to establish slavery, but *no other slave State should be formed out of existing national domain north of the southern boundary of Missouri (36° 30')*. The policy of the Northwest Ordinance was applied to the greater part of the Louisiana Purchase.

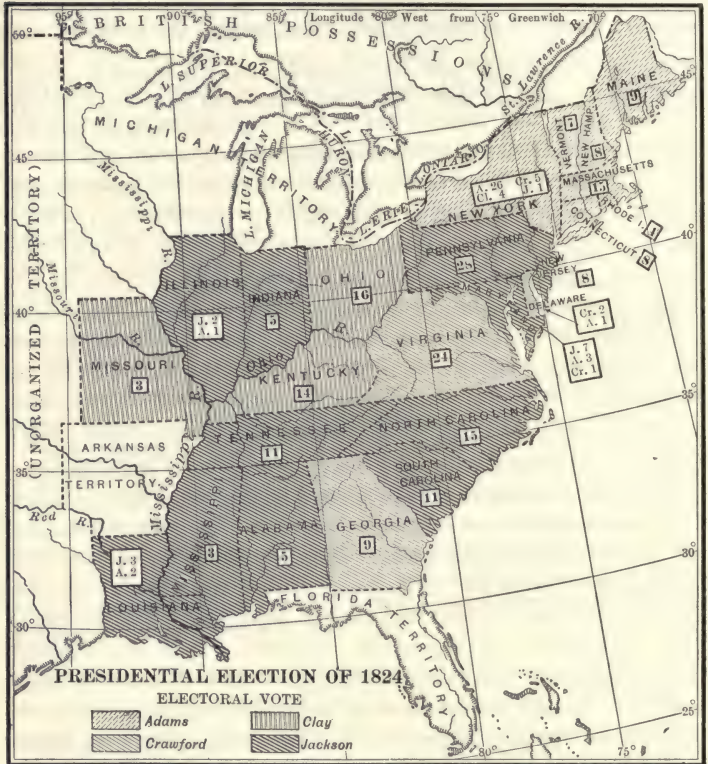
### III. FACTIONS VS. PARTIES

**516.** For the whole period 1816–1829, true political parties were lacking. The old Federalists had been galvanized into

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<sup>1</sup> Introduced by James Tallmadge of New York.

activity in New England by the Embargo and the war; but in 1816 they cast only 35 electoral votes; and in 1820 none. The old party lines were wholly gone. Accordingly, historians have sometimes miscalled the period "the era of good



feeling." In fact, it was an era of exceeding bad feeling. The place of *parties*, with real principles, was taken by *factions*, moved only by personal or sectional ambitions.

**517.** This became plain in the campaign of 1824. Crawford of Georgia was nominated for the presidency by a Congressional caucus (§ 389), which, however, was attended by less than a third of



Adams, whose forbidding manners kept him aloof from the multitude, was derided as an aristocrat, while Jackson was applauded as a "man of the people." Jackson had 99 votes; Adams, 84; Crawford, 41; Clay, 37. According to the Twelfth amendment, the House of Representatives chose between the three highest; and Adams became President, through votes thrown to him by Clay. Adams afterward appointed Clay his Secretary of State; and friends of Jackson complained bitterly that the "will of the people" had been thwarted by a "corrupt coalition between Puritan and blackleg."<sup>1</sup>

**519. Adams was thwarted at every turn throughout his four years,** and the Jackson men began at once the campaign for the next election. The President's inaugural announced internal improvements as a leading policy<sup>2</sup> in opposition to the vetoes of Madison and Monroe, and his first Message urged Congress to multiply roads, found a National University, and build an astronomical observatory — "a lighthouse of the skies." But by this time, many States had begun roads and canals of their own, and had no wish to help pay for competing lines elsewhere; so Congress had become lukewarm even on this matter.

**520. The President's position, however, helped on the formation of new political parties.** Supporters of Adams and Clay, standing for internal improvements and protection, took the name of *National Republicans*, to indicate their belief in a strong Central government. The Jackson cry had been, "Let the people rule." To them, the campaign of 1828 was a protest against the undemocratic "usurpation" of 1824. Accordingly they took the name *Democratic Republicans*,<sup>3</sup> or, a little later,

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<sup>1</sup> It was thought, unjustly, that Adams and Clay had bargained. The quoted phrase was John Randolph's. Clay challenged Randolph, and a duel was fought without injury to any one. Honor thus appeased, pleasant social relations were restored between the two.

<sup>2</sup> In 1807 Adams had moved the resolution in Congress that called out Gallatin's Report (§ 456).

<sup>3</sup> To indicate their claim also to be the true successors of Jefferson's "Republican party."

merely Democrats. In opposition to the Broad Construction platform of their opponents, they soon became a "Strict Construction" party; but they won the election of 1828 before this question came to the front.

Before studying Jackson's administration, we must look at the New America of 1830.

## PART IX

### A NEW DEMOCRACY, 1830-1850

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#### CHAPTER XLVII

##### THE AMERICA OF 1830-1850

**521. The North Atlantic section was turning to manufacturing.** New England used the water power of her rivers for cotton, woolen, and paper mills, building up a new line of towns (the Fall line) at Lowell, Manchester, Lawrence, Holyoke, Fall River, and so on. Pennsylvania, New Jersey, and New York got like results by using "stone coal" from the Pennsylvania mines, which were now accessible cheaply by the Pennsylvania canal system (\$ 496).

In 1830 America still had only 32 cities with more than 8000 people; but all but four of these were in this manufacturing region. The population of the new factory towns came at first from the old farming class, drawn in from the country by the lure of companionship and cash wages. But in the thirties these workers began to be replaced by immigrants fresh from the Old World.

**522. The South had become stationary in industry.** Slave labor was unfit for manufactures; so the water power and mineral resources of that district went unused for forty years more. The leading industry remained tobacco and cotton raising.

**Southern society, too, remained stratified along the old lines.** (1) At the top were some 6000 *families* (25,000 or 30,000 people) of *large planters*, with numerous slaves, — sometimes a thousand to one owner. This aristocracy furnished the South's

representation in the National government and almost all the higher State officials. (2) *A hundred and thirty thousand families* (650,000 people) *owned perhaps from one to four slaves each*. These small slaveholders, with about as many more non-slaveholding but well-to-do farmers, made up *the yeomanry* of the South, from whom were to come her famous soldiery. This class often differed from the aristocracy in political motives and aims; but it lacked leaders, and it had no organization from State to State. (3) *The "poor Whites,"* without other property than a miserable cabin and a rough clearing, outnumbered the yeomanry two to one.<sup>1</sup> This class made the political following of the rich planters. (4) *The 180,000 free Negroes* were hedged in by many vexing laws, and had, of course, no political rights. They could not serve on juries; nor were they allowed to move from place to place at will, or to receive any education.<sup>2</sup> (5) The 2,000,000 slaves made about half the whole population.

**523. The Mississippi valley** gave two more States to the Union in the decade after 1830: Arkansas in 1836, and Michigan in 1837. The West continued to grow more than twice as fast as the rest of the country (cf. § 498). Between 1830 and 1840, Ohio increased 70 per cent; Indiana and Alabama, 100 per cent; Illinois and Mississippi trebled their numbers; Michigan multiplied her 32,000 by seven.

In 1835 a line of steamboats began to ply regularly between Buffalo (at the end of the Erie Canal) and Chicago. *Now for the first time, New England had a fit road to the West*. Her sons quickly colonized southern Michigan and *northern* Indiana and Illinois (cf. §§ 499, 500), and a little later they made the leading element in Wisconsin, Iowa, and Minnesota.

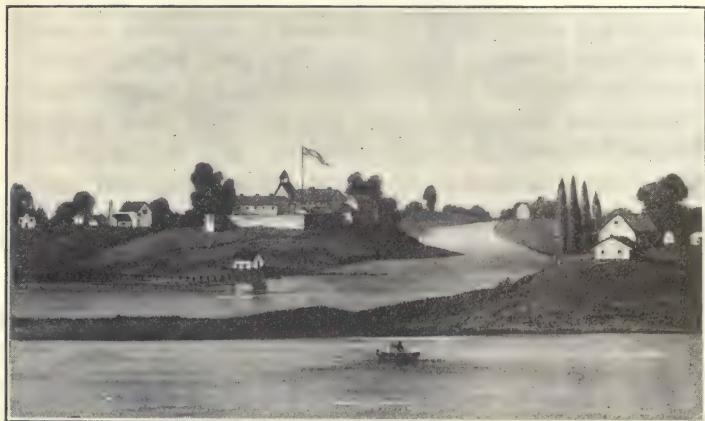
In 1830 Chicago and Milwaukee were still mere fur-trading stations. Pittsburg, with its 12,000 people, was growing dingy with coal smoke from its iron mills. Cincinnati ("Porkopolis"),

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<sup>1</sup> These two classes are often confused.

<sup>2</sup> There were nearly as many more free Negroes in the "Negro quarters" of Northern cities.

in the center of a rich farming country, had 25,000 people and took to itself the name "Queen City of the West"; but it was the only place in the oldest Northwestern State with more than 3000 people. St. Louis, the point of exchange between the fur trade of the upper Mississippi and Missouri, on the north, and the steamboat trade from New Orleans, boasted 6000.



CHICAGO (FORT DEARBORN) IN 1831. From a lithograph, based on a drawing of that year. Through the courtesy of the Chicago Historical Society.

New Orleans remained without much change. The rest of the people dwelt in villages or on farms. Outside the aristocratic black belt, most of them lived in log cabins with homemade tables and beds and with rough benches or blocks of wood for chairs.

**524. Caution.** — The student must beware of classing Mississippi in 1830 as "Southern," or Illinois as "Northern." "*South*" and "*North*" then applied only to the divisions of the Atlantic States. The country had three sections, — North, South, and West.

During the next twenty years, however, *the difference between the two systems of labor, free and slave, in its northern and southern portions split the West also into two sections, — which then merged with the corresponding Atlantic sections. In 1850 there were only two sections to the Union, — a North and a South.*

**525.** The Westerners of 1830 had developed a new American type—to remain the dominant one for two generations: tall, gaunt men, adventurous and resolute, of masterful temper, daunted by no emergency, impatient of authority, but with a leaven of high idealism. The West believed in the worth of the common man. Already it had become “the most American part of America.” Here the new nation showed best its raw youth, unpolished, but sound at heart; crude, ungainly, lacking the poise and repose and dignity of older societies; but buoyantly self-confident, throbbing with rude vigor, grappling unconcernedly with impossible tasks, getting them done somehow, and dreaming overnight of vaster ones for the morrow. Some small embarrassment it felt for its temporary ignorance of books and art; but it exulted boastfully in its mastery of nature and its daring social experiments, and *it appealed, with sure faith, to the future* to add the refinements and graces of life.

**526.** This “American propensity to look forward to the future” for whatever it lacked in the present, *particularly amused the many supercilious and superficial English travelers of the day.* These prejudice-blinded gentlemen delighted in portraying with microscopic detail, skin-deep blemishes of American society. Even Charles Dickens, whom America loved, saw little but the spittoons and the hurry at the lunch counters. No one of these critics saw at all the most amazing spectacle of all history spread before their eyes: a nation in the making, occupying and subduing a rebellious continent; felling forests, plowing prairies, clearing the rivers, hewing out roads; founding farms and towns and commonwealths; solving offhand grave economic problems, wastefully sometimes, but effectively; and inventing and working out, on a gigantic scale, new, progressive principles of society and government. “You can’t write books,” carped the visitor. “We’re busy just now,” shouted the West carelessly over its shoulder, “but just wait till we get this bridge built, these prairies farmed, that new constitution framed.”

In 1820 Sydney Smith closed his tirade in the *Edinburgh Review* with the famous passage:—

“Who, in the four quarters of the globe, reads an American book? or goes to an American play? or looks at an American painting or statue? . . . Who drinks out of American glasses? . . . or sleeps in American blankets?”

To this charge (which the next twenty years were to make stupendously ridiculous) the *North American Review* replied with the customary defense,—the appeal to the future. This resulted in more ridicule from the English *Review*:—

“Others claim honor because of things done by a long line of ancestors: an American glories in the achievements of a distant posterity. . . . Others appeal to history; an American appeals to prophecy. . . . If a traveller complains of the inns, and hints a dislike for sleeping four in a bed, he . . . is told to wait a hundred years and see the superiority of American inns over British. If Shakspeare, Milton, Newton, are mentioned, he is told again, ‘Wait till we have cleared our land, till we have idle time, wait till 1900, and then see how much nobler our poets and profounder our philosophers and longer our telescopes, than any your decrepit old hemisphere will produce.’”

That the retort might not seem so amusing “in 1900” never occurred to the English humorist,—or that there was quite as much sense in taking pride in descendants (whom we will have some share in fashioning) as in ancestors, who have only fashioned us. Englishmen paid dearly for this flippant blindness by the rancor stirred in American hearts,—which unhappily persisted long after England had frankly confessed her error.

## CHAPTER XLVIII

### THE AWAKENING OF LABOR, 1825-1837

*Laborin' man an' laborin' woman  
Hev one glory an' one shame :  
Ev'y thin' thet's done inhuman  
Injers all on 'em the same.*

— LOWELL, in the *Biglow Papers*.

**527.** The democratic upheaval of the thirties, revealed first in the election of Jackson, was due, first of all, to the growth of the West (ch. xlvii). Next to that, it was due to the awakening of the labor class in Eastern cities.

*In large degree, this labor class was a new class, due to the recent introduction of new machinery, and new methods of manufacturing, from England.* In the last quarter of the eighteenth century, while America was waging her War of Independence, and while France was giving the world her great social revolution, obscure craftsmen in England — busied in homely toil, puzzling day after day over wheels and belts and levers, and seeking some way to save time — had been working out the **Industrial Revolution** which was to change the daily life of the masses of men and women and children over all the world.

**528.** In colonial times, each housewife spent all spare moments at the **spinning wheel**, drawing out the fiber of flax or wool into thread or yarn, *one thread at a time*. This thread was woven into cloth on the primitive **hand loom**, older than history. In America this weaving also was usually done in each farm home. In England it was done commonly by a distinct class of skilled weavers.

**529.** The spinning was the slower work. One weaver could use all the thread that eight spinning wheels could supply.

The weavers could not get thread fast enough; and in 1761 prizes began to be offered for inventions for swifter spinning. Three years later — just when parliament was blundering into the Stamp Act — **James Hargreaves**, an English weaver, noticed that his wife's spinning wheel, tipped over on the floor, kept on whirling for a surprising time. Taking a hint from this position, he invented a machine where *one wheel* turned eight spindles, and *spun eight threads* at a time. Hargreaves called the new machine **the Jenny**, for his wife. Soon it was improved so as to spin *sixteen threads* at a time.

Then in 1771 (two years after Lord North had provoked the "Boston Massacre," and two years before he provoked the Boston Tea Party) **Richard Arkwright**, an English peddler, devised a new sort of spinner without spindles. He ran his wool or cotton through a series of rollers, turning at different rates, to draw out the thread; and *he drove his machine by water power*, and so called it **the Water Frame**. The year after Burgoyne's Surrender, or in 1779, **Samuel Crompton**, an English weaver, ingeniously combined the best features of *the Jenny* and *the Water Frame* in a machine which he called **the Mule**, in honor of this mixed parentage. *With the Mule, one spinner could spin two hundred threads at a time.*

**530.** Two hundred threads seem few to us, familiar as we are to-day with machinery such that a man with one or two boys winds 12,000 spools at once; but at the time the Mule made a revolution in cloth manufacturing. *Now the weavers could not keep up with the spinners; and it was needful to improve the loom.*

On the hand loom, threads were first drawn out lengthwise on a frame, making the warp. The weaver then passed his shuttle *by hand* back and forth between those threads to form the woof. But in 1784 **Edmund Cartwright**, an English clergyman, patented a power loom, *in which the shuttle threw itself back and forth automatically.*

**531.** The next need was more cotton to spin and weave. Whitney's **Cotton Gin** (§ 436) soon made it easy for America to

furnish that. And, even sooner, **Watt's engines** began to provide a better power than water to drive the new machinery. Steam was first used to drive spinning machinery in 1785. Fifteen years later, England was using more steam engines than water wheels. **By 1800 the age of steam and of machinery had fairly begun in that country.**

**532.** The English inventions were soon known in America (§ 435), but they **did not come into common use here for another generation.** In 1800 this country had only four steam engines, and only four cotton mills run by water. The Industrial Revolution came here sooner than in any other country after England; but it did not begin for us until the War of 1812 made it necessary for us, for a time, to manufacture all our own cloth.

**533.** With machinery and steam power, **one laborer was soon able to produce more wealth than hundreds had produced by the old hand processes.** This ought to have been pure gain for all the world, and especially it should have meant more comfort and more leisure for the workers. It is not the fault of Hargreaves and Crompton and Cartwright and Watt that most of the new wealth went to a new class of capitalists: the fault lay with the imperfect organization of human society. *Part of the increased wealth* did go, indirectly, to the common gain, in lower prices. Every one could soon buy cloth and hardware cheaper than before the Industrial Revolution. But, even yet, **the workers have failed to get their fair share of the world's gain;** and for many of them the Industrial Revolution has meant, not higher life, but lower life. Especially was this true when that Revolution was young.

**534.** The new machinery was costly. Workmen could not own it as they had owned their old looms and spinning wheels. Nor did they know how to combine so as to own it in groups. It all **passed into the hands of wealthy men** ("capitalists"). The capitalist manufacturer was a new figure in human society. He was not himself a workman, like the small employers in the old Domestic system. He used his money to build huge brick

factories story on story; to fill them with costly machinery; to buy the "raw material" (cotton, wool, iron, as the case might be); and to pay wages to hired workers, or "operatives." The "**Domestic**" system of industry gave way to a new *Capitalist system, or Wage system, or Factory system.*

**535.** Under the old Domestic system, even in manufacturing districts like Pennsylvania, the workmen lived in their own homes, owned their own tools, and varied their toil (or used idle time) by tilling plots of ground about their cottages. *Their condition was more like that of the farmer of to-day than like that of the modern factory worker.*

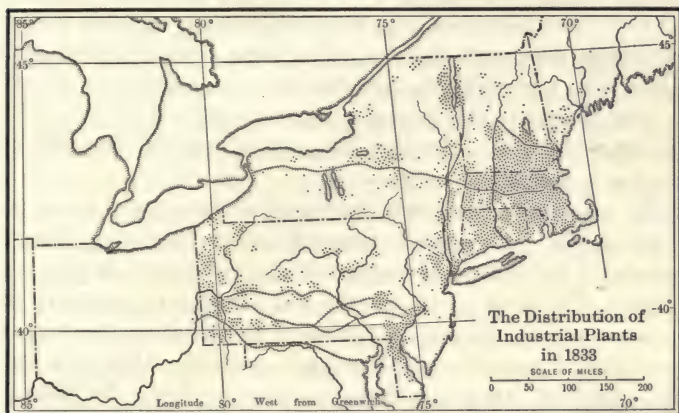
**As the Factory system came in, the worker was compelled to change his whole manner of life.** He must reach the factory within a few minutes of the first bell, about sunrise, and stay until it grew too dark for work. (There were then no artificial lights suitable to illuminate factories.) So the capitalist built long blocks of ugly tenements near his factory, for rent; and his "hands" moved from their rural homes, with garden spots and fresh air and varied industry, into these crowded and squalid tenement districts, to live amid destitution and disease and vice. The factory system built up towns swiftly; but these new towns had no fit water supply, no sewerage system, no garbage collection. Science had not learned how to care for these needs, and law had not begun to wrestle with them.

**536.** Thus the new manufacturing society was made up of two hostile classes. Under the Domestic system, apprentices and journeymen had expected to rise, sooner or later, to be "masters"; and at all times they lived in constant intercourse with their employers, who worked side by side with them, shared their hard conditions, and had a sort of fatherly guardianship over them. Under the new system, a particularly enterprising and fortunate workman might now and then rise into the capitalist class; but, on the whole a distinct and permanent line divided the two classes.

The capitalist, too, had no personal contact with his workmen. He employed, not two or three, living in his own family,

but hundreds or thousands, whom he never saw outside the factory and whose names even he did not know except on the payroll. There was little chance for understanding between him and his "hands."

**537.** The men who owned and managed factories and banks and canal systems, together with a growing body of speculators and small money-masters, made up **the capitalist class**. They



With permission, from Dodd's *Expansion and Conflict* ("Riverside History of the United States"), published by the Houghton Mifflin Company. Dr. Dodd states that the map was prepared by Miss Maud Hulse from data in Congressional Documents.

were keen, forceful, driving men, with few interests outside "business." Absorbed in a mad race with one another for wealth and power, they had little sympathy or time for the needs of the two million<sup>1</sup> "operatives" whose lives they ordered almost as absolutely as Southern planters ordered the lives of their two million Blacks.

Like the planters of the black belt, too, they dwelt mainly in a small area—a narrow, curving band of manufacturing

<sup>1</sup> This is McMaster's estimate for the whole number of operatives in all lines in 1825.

territory; but through many subtle influences, they held the faithful allegiance of the whole North Atlantic section from the Chesapeake to the Kennebec. They furnished the stocks and controlled the credit of the storekeepers in the small towns; they endowed the colleges and built the churches; they gave the best-paying employment to lawyers. The farmers — lately followers of Jefferson — felt their prosperity bound up with that of the great industrial towns that made their markets; and even the operatives long voted unquestioningly for the system which, they were assured, filled their meager dinner pails.

Nor were any of these tributary classes consciously servile. To most people in this period a "captain of industry" typified American success. He was the natural leader, honestly admired as a model for youth.

*This capitalist class early developed a keen scent for special privilege, to be secured through courts and legislatures. Especially did it take advantage of the generous Americanism of South and West just after the war of 1812 to intensify the "protection" for its pet industries in the tariffs of the period. From this it reaped a rich harvest. Between 1820 and 1830 the output of American factories rose sixfold. In 1830 its value was a half greater than that of all the produce of Southern plantations — though the planters had an investment five times that of the factory owners. Since the factory workers got only a bare living, this huge factory output meant immense profits for the capitalist.*

**538.** *Between 1800 and 1825 the mass of hired labor in America shifted from the farm to the factory. The factory "operative," like the capitalist, was a new figure. And, unlike the capitalist, he was a helpless one. He furnished nothing but his hands. Numbers of men wanted work; and much factory work could be done by women and children, — especially in cloth manufactures, where it consisted largely in turning levers or tying broken threads or cleaning rollers. Until the operatives learned to combine, so as to bargain collectively, the capitalist fixed wages and hours and conditions as he liked.*

**539.** Carpenters and masons commonly worked **from sunrise to sunset** — just as farm laborers did. Those long hours were terribly hard ; but they were endurable because they were spent in fresh air, amid outdoor scenes, in interesting and varied activity. But **this long labor day of thirteen or fifteen hours** (for much of the year) **was now carried into the factory.** There it was unendurable and ruinous, because of foul air, poor light, incessant, nerve-racking noise of machinery, and because *there it crushed women and children.*

Hope Factory (Rhode Island), in 1831, rang its first bell ten minutes before sunrise. Five minutes after sunrise the gates were locked against tardy comers, not to open again until eight at night. (And a committee of laborers *claimed* that the employer stretched this horrible “day” by twenty or twenty-five minutes more, by always keeping the factory clock slow.) The only respites from toil during the fifteen or sixteen hours were twenty-five minutes for breakfast and a like period for dinner, — both meals being cold lunches brought by the operatives. *And more than half the operatives were children.*

This was not an exceptional instance: *it was typical.* At Paterson, New Jersey, women and children were at their work in the mills by 4 : 30 in the morning. The Eagle Mill (at Griswold, Connecticut) called on its employees, in 1832, for fifteen hours and ten minutes of actual toil.

*Lowell was a notable exception.* No child under twelve was employed there; the day was “short”; and all conditions were unusually favorable. At 4 : 30 A.M. the bell summoned the workers from their beds. At five they must be within the mills, and the gates were closed. With a half hour, later, for breakfast, and forty-five minutes for “dinner,” the labor continued till 7 P. M. The manufacturing company provided plain lodgings and arrangements for cheap board at \$ 1.50 per week. *Skillful* workers (paid by the piece) might possibly earn twice that amount. The employees were almost all farmers’ daughters. After their fourteen hours a day in the factory, these vigorous young women, *for one generation,* had energy for liter-

ary clubs and social activities. Churches and lectures arranged their meetings late enough in the evening to be attended by these eager working girls. The girls wrote, edited, and published a periodical of considerable literary merit.<sup>1</sup>

**540.** The working class were first aroused against this long labor day by a growing conviction of the need of schooling for factory children. In the Massachusetts legislature of 1825, a committee on education sent inquiries to the mayors and aldermen of all Massachusetts factory towns regarding hours of labor for children and opportunities for schooling. The replies were as favorable as shame, or local pride, could make them; but no town *claimed* less than eleven hours of steady work per day for children (from six to seventeen years old), and only two reported so short a day. The "dawn to dark" day was frankly reported in many cases. Seekunk stated that its child operatives "work twelve hours; *Some may get eight weeks' Schoolg.*"<sup>2</sup> Waltham failed to state the hours of labor, but said, "As much oppy for Schoolg as can be expected" (!) Bellingham honestly declared, "Work twelve hours pr day. No oppy for School except by employg substitutes." [This long labor day meant *every day in the year*, save Sundays, be it remembered, except in a few places where conditions made it more profitable to close the factories for some eight weeks of the winter.] Southbridge reported "*Average* twelve hours. *These children are better off than their neighbors*" (!) [An *average* of twelve hours meant

<sup>1</sup> Lucy Larcom's *A New England Girlhood*. I have also heard this society described vividly by a woman of strong character and fine culture, — long a leading educator in a progressive State, — who was herself a Lowell factory girl in the forties. Labor gatherings to complain of factory conditions often made mention of Lowell as an honorable example to other factory towns.

<sup>2</sup> The quotations from these replies are given from a tabulated summary made by the committee in its report to the legislature. The report seems never to have been printed until it was reproduced *recently* in the *Documentary History of American Industrial Society* (10 vols.; edited by John R. Commons, in association with four other scholars). Most of the other facts about labor stated in §§ 539-555 are based upon documents given in Volume V and VI of that work — edited by Dr. Commons and Helen L. Sumner.

some fourteen hours in summer, to balance the short winter days.] Boston said concisely, "No Schoolg." Fall River, with unconscious irony, stated, "Work all day. There are good public and private S. and a free Sunday School."

These horrible conditions show even more plainly in a temperate statement by "Many Operatives" in the *Mechanics' Free Press* for August 21, 1830, regarding children in the Philadelphia factories:—

"It is a well-known fact that the principal part of the helps in cotton factories consist of boys and girls, we may safely say *from six to seventeen years of age*. . . . *We are confident that not more than one-sixth of the boys and girls employed in such factories are capable of reading or writing their own names.* We have known many instances where parents who are capable of giving their children a trifling education, one at a time, [have been] deprived of that opportunity by their employers' threats *that if they did take one child from their employ, a short time, for school, such family must leave the employment* . . . and we have even known such threats put in execution. . . . " <sup>1</sup>

In 1832, at a Boston convention of *New England Mechanics and Workingmen*, a committee reported upon the schooling of working-class children with much detail. The summary of that report runs:—

"*The children . . . employed in manufactories constitute about two fifths of the whole number of persons employed.* . . . On a general average the youth and children . . . are compelled to labor at least thirteen and a half, perhaps fourteen, hours per day, factory time. . . . Your committee also learn that in general no child can be taken from a Cotton Mill, to be placed at school, for any length of time, however short, without certain loss of employ. . . . *Nor are parents, having a number of children in a mill, allowed to withdraw one or more without withdrawing the whole,*—for which reason, as such children are generally the offspring of *parents whose poverty has made them entirely dependent on the will of their employers,* they are very seldom taken from the mills to be placed in school. . . . It is with regret that your committee are abso-

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<sup>1</sup> The communication expresses indignation at the retort of an employer that legislation to shorten the factory day "would be an infringement on the rights of the people," and queries significantly "whether this *individual*, or the *number* employed by him, is 'the people.'"

lutely forced to the conclusion that the only opportunities allowed to children generally, employed in manufactories, to obtain an education, are on the Sabbath and after half-past 8 o'clock of the evening of other days. Your committee cannot, therefore, without the violation of a solemn trust, withhold their unanimous opinion that the opportunities allowed to children employed in manufactories to obtain an education suitable to the character of American freemen, and to the wives and mothers of such, are altogether inadequate to the purpose; that the evils complained of are unjust and cruel; and are no less than the sacrifice of the dearest interests of thousands of the rising generation to the cupidity and avarice of their employers."

**541. Labor, too, had lost its old lever of free land.** Near the Eastern cities, land was no longer "free." Even in the West the rage for speculation in land (§ 442) forced the real settler either to pay unreasonable prices to private holders, or to take undesirable lands, or to go far from markets and neighbors, — so that his life was more barren and his profits lost in the cost of transportation.

Still the public domain in that vast section did offer hope to many *individuals* from the East, especially if they had a little capital and much self-reliance. But such emigrants went mainly from the farm or the small village. The public domain *did not much help the factory class*. How should a penniless factory family get team and wagon for the long journey to the West? Or food and supplies for that journey and for the hard months afterward while the first crop was coming to harvest? Or tools and seed to get in a crop? How, indeed, should the man get the \$100 necessary to secure the smallest farm the government would sell him? Or, if he took the chance of "squatting" on government land, without paying down the price, how should he keep some sharp-eyed speculator from buying the place at the first government sale — so reaping all the profits of his toil? Preëmption and homestead laws were still in the future, though both the West and the Eastern labor party were already calling for them. In the absence of such laws, the poor man from the East who sought a home on the public domain took heroic risks.

**542.** Labor, then, must depend upon itself, and wage its fight in its own Eastern home. So the workers sought strength in organization. Labor "unions" had appeared before 1800, but only for "mutual insurance" and other benevolent and social purposes. The hint that such organizations might be used in class war seems to have come from the side of capital. Soon after 1800, the newspapers begin to notice "combinations" of capitalists to raise prices. Then the labor combinations began to ask for shorter hours and better wages, and finally to "strike" for them. Between 1802 and 1807, New York, Philadelphia, Boston, and Baltimore (about all the cities of that time) had one or more strikes.

**543.** A few progressive thinkers, like William Ellery Channing and Horace Mann, saw that the labor question was the question of human welfare; but in general the "respectable classes" long looked on all labor unions as iniquitous and revolutionary conspiracies. Like the old French political despotism (§ 16), so in this industrial matter, the capitalist classes held it proper that each weak worker should speak for himself, and that "no one should speak for the whole."<sup>1</sup> In Boston a "combination" of merchants announced in the public press that *their* "union" had pledged itself to drive the shipwrights, caulkers, and gravers of that city to abandon "unions" or starve, and that they had subscribed \$20,000 for that purpose.

**544.** The attitude of the propertied classes was reflected in the courts. Here the unions found their chief obstacle. The courts promptly put down this first series of early strikes by punishing the leaders sternly for "conspiracy" — under the odious principles of the English Common Law. In 1825, it is true, a New York jury destroyed the terror of such prosecutions for a

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<sup>1</sup> It is curious to note that Monroe, in one of his messages to Congress during the terrible panic of 1819, had congratulated manufacturers on the "fall in the price of labor, so favorable to the success of domestic manufactures." And Hamilton, in urging that America should develop manufactures, wrote with enthusiasm of the fact that in Great Britain four sevenths of the employees in the cotton factories were women and children, the greater proportion being children, "and many of a tender age"!

time by awarding a fine of only "one dollar" for the "crime" of "conspiring to raise wages." But not till 1842 did any court recognize that workmen had the same right of collective bargaining as had always been possessed without question by employers. In that year the Massachusetts Supreme Court held that labor organizations might legally try to advance wages "by rules binding solely on members."

**545. Another obstacle to the early labor movement was the fact that all newspapers were bitterly and contemptuously hostile.** The working class had no way to get their grievances or their program before the public. But in 1825 George Henry Evans and Frederick W. Evans (recent English immigrants) began to publish the *Workingman's Advocate* at New York. Two years later, the *Mechanics' Free Press* appeared at Philadelphia.

Now "unions" multiplied swiftly, and a strenuous labor war began. The twelve years between the founding of the first labor paper (1825) and the great "panic" of 1837 saw **the first real labor movement in America**<sup>1</sup>—a movement to which we owe much of the best in our modern life.

**546. Later organization in this period had three stages.**

First each important trade in each large city organized its "trade association." These associations were *local*; and one trade had no connection with another of the same city.

But in 1827 the Journeymen Carpenters' association in Philadelphia struck for a ten-hour day. The struggle was a stubborn one, and other trade associations in the city gave sympathy and some help to the carpenters. The strike failed. But it had taught the need of wider union among workingmen to gain their common end; and the next year the many trade associations of Philadelphia federated in the "*Mechanics' Union of Trade Associations*."<sup>2</sup>

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<sup>1</sup> Much of the agitation noticed in §§ 539, 540 belongs to this period.

<sup>2</sup> Terms have shifted. The appropriate name, *Trades' Union*, has been corrupted into "trade-union" for the name of the association of workers in *one* trade; and consequently the more general union has had to seek new names,—such as *Trades' Assembly*, or *Trades' Council*.

This second stage in labor organization spread swiftly. New York had its General Trades' Union in 1831<sup>1</sup> and the like was soon true of the remaining large cities. Such a federation held considerable authority over the several local "associations" which composed it. It usually maintained a Trades' Union hall, with courses of public lectures and a labor paper, and it took an active part in supporting strikes (when approved by it) from the general treasury and by public meetings.

The third stage came in 1834, when the **various city Trades' Unions organized a national federation**. This "republic of labor" held conventions in 1834, 1835, 1836, and 1837; but the organization was imperfect, and in 1837 it was engulfed in the industrial depression that followed the panic (§ 590).

**547.** Recent extension of the franchise had made voters out of the mechanics (§ 563); and, **from the first, the labor organizations turned to political activity**. On August 11, 1828, the Philadelphia Trades' Union, at a public meeting, recommended

"to the Mechanics and Working Men of the city *to support such men only for the City Councils and State Legislature, as shall have pledged themselves . . . to support the interests and claims of the Working Classes.*"

The "Delegates of the Working Men," accordingly, sent a circular letter to fourteen candidates for the legislature "to obtain your views in relation to the following subjects:—

"First. An equal and general system of Education.

"Second. The banking system, and all other exclusive monopolies.

"Third. Lotteries: whether a total abolishment of them is not essential to the moral as well as to the pecuniary interest of society."<sup>2</sup>

<sup>1</sup> Growing out of a *successful* carpenters' strike for higher wages, a contest in which the carpenters had been supported actively by other trades.

<sup>2</sup> "There are at present," says another address from the same source a little later, "not less than 200 lottery offices in Philadelphia, and as many, if not more, persons engaged in hawking tickets." Special complaint is directed at these "itinerant venders" who "assail the poor man at his labor, enter the abode of the needy, and, by holding out false promises of wealth, induce him to hazard his little all in the demoralizing system."

Then, after a strong paragraph expressing the special interest of the working class in the *first* question, the circular concludes:—

“If your views, on these matters should be in accordance with those we represent, we request you to allow us to *place your name upon our ticket.*”

Soon definite Workingmen's parties appeared in various localities. In 1830 in New York a “Workingman's party” nominated a State ticket. Its candidate for governor got only 3000 votes, but three labor candidates were chosen to the legislature, and Ely Moore (president of the New York City Trades' Union) was sent to Congress. In 1834, in far-away eastern Tennessee a labor party brought the tailor *Andrew Johnson* into public life as alderman in a mountain village. And a Boston Convention of the “New England Association of Farmers, Mechanics, and Other Workingmen” urged

“*the organization of the whole laboring population*” in order to revise “our social and political system,” hoping “to imbue . . . our offspring with . . . abhorrence for the usurpation of aristocracy . . . so . . . that they shall dedicate their lives to a completion of the work which their ancestors commenced in their struggle for *national*, and their sires have continued in their contest for *personal*, independence.”

**548. No *national* labor party was formed.** But the old political parties began at once to bid eagerly for the labor vote, and bit by bit, much of its program was placed in the statute books.

In New York, one wing of the new Democratic party was especially friendly. This was the “Equal Rights” party, or the Loco Focos, who, like the labor organizations, opposed all special privileges and the monopoly of the United States Bank. In 1835 the Loco Focos absorbed bodily the Workingman's party in New York State.

Soon after, the labor organizations in other States were lost in the fully developed Democratic party. For some years *that party remained in large degree a workingman's party*. When it surrendered to the Slave Power, the political labor movement received a fatal blow. The remnants of the labor forces made a leading

element in the various Liberty and Free Soil parties (§§ 678, 687 ff.), but the movement for a distinct labor organization did not revive until after the Civil War.

**549. The strikes of the years 1825-1837 aimed:** (1) to raise wages; (2) to secure what we now call the "closed shop" (*i.e.* to compel the employment of union labor only, to the exclusion of non-union men, known even then as "rats" and "scabs"); and (3) to shorten the working-day to ten hours.

But, in its political action, the **Workingman's party** turned away from these problems, vital as they were, to broader social reforms. They sought to abolish monopolies and lotteries and imprisonment for debt;<sup>1</sup> to exempt a workingman's home and tools from seizure for debt; to give him a lien on his work for his wages; to make it easier for him to get a home out of the public domain; to give women "equal rights with men in all respects"; and to establish a noble system of public schools — far ahead of any practice in that day.

The closed-shop principle failed when the unions fell in the "panic" of 1837. Rights for women, too, had to wait long. The other demands were attained fully or in fair measure. Some of them deserve a few words more (§§ 550-552).

**550. This labor movement was the first clear demand in America that society should put "man above the dollar."** Forty years before, the makers of the Constitution agreed that the end of government was to protect property. But the laborer now demanded, *as a right*, that the rich should help pay for his children's schooling; that his person should no longer be seized for debt, nor his means of livelihood; and that, when a creditor, his wages should have a first lien, ahead of other creditors' claims.

These demands, disregarding the old "rights" of property, rested on the broad claim *that they aimed to advance general human welfare*. Many good people called them communistic. But modern society has come to see all this as did the workingmen of the thirties. The laborer's wages, we agree, should

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<sup>1</sup> McMaster estimates that in the early thirties 75,000 men were imprisoned for debt *each year*.

have preference over the capitalist's profits. The one may add to the graces of life for the few : the other means life itself, and a decent standard of living, for the many. So we have adopted this part of the early labor program.

**551. The demand for a ten-hour day**, in place of the inhuman dawn-to-dark day, was long resisted by the employer class as though it would overturn all social order. When the carpenter journeymen of Philadelphia organized in 1827 to get that shorter day (§ 546), the employers united in an address to the public, in which :—

(1) They complained of the attempt to "deprive employers of about one-fifth part of their usual time" ; (2) they "regretted" the formation of "a society that has a *tendency to subvert* good order, and coerce or mislead those who have been industriously pursuing their avocation and honestly maintaining their families" ; and (3) they declared their united resolution not to "employ any Journeyman who will not give his time and labor as usual, *in as much as we believe the present mode has not been, and is not now, oppressive to the workmen.*"<sup>1</sup>

The strike failed, as did several others in Philadelphia for the same purpose. But public sympathy was won for the cause, and monster petitions began to pour in upon the city government to adopt the shorter day for *workingmen employed for the city*. *June 4, 1835*, the city council yielded, and private concerns slowly followed this example.

In Baltimore, the same year, a general strike established the ten-hour day for all business, public and private. But, in the Boston district, three great strikes for this object were crushed by irresistible combinations of capitalists pledged publicly to force their employees to keep the old "dawn-to-dark" day.

*Success* there, and in the rest of the country, *came through the example of the Federal government*. Van Buren (Jackson's successor) had been closely associated with the New York

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<sup>1</sup> The journeymen replied with an appeal for public sympathy : "Citizens of Philadelphia, to you we appeal; with you rests the ultimate success or failure of our cause. Will you not assist us? Remember we are men . . . and say will you combine with our employers to force us to be slaves?"

Loco Focos (§ 548); and the National Convention of Trades' Unions in 1836 brought all possible pressure to bear upon him, *during his campaign for the Presidency*. In 1840, as President, Van Buren redeemed his promises. He issued a notable order directing a ten-hour day in the navy yards and in all "public establishments" of the government. During the next ten years ten hours became the regular labor day for artisans and

|   | Belling<br>for work<br>to commence | Bell<br>ring for<br>breakfast | Belling<br>for work<br>to work | Bell<br>ring for<br>dinner | Belling<br>for work<br>to work | Work<br>ceased |
|---|------------------------------------|-------------------------------|--------------------------------|----------------------------|--------------------------------|----------------|
| Jan. & Feb.                                     | Sunrise                            | —                             | —                              | 12.30                      | 1.10                           | 7.             |
| March 1 <sup>st</sup> to 20 <sup>th</sup>       | Sunrise                            | 7.30                          | 8.10                           | 12.30                      | 1.10                           | 7.             |
| March 20 <sup>th</sup> to Apr. 30 <sup>th</sup> | Sunrise                            | 7.                            | 7.40                           | 12.                        | 12.40                          | Sunset         |
| May, June, and July                             | 4.55                               | 6.30                          | 7.10                           | 12.                        | 12.55                          | 6.45           |
| Aug. 1 <sup>st</sup> to 15 <sup>th</sup>        | Sunrise.                           | 6.30                          | 7.10                           | 12.                        | 12.55                          | 6.45           |
| Aug. 15 <sup>th</sup> to Sept. 20 <sup>th</sup> | Sunrise                            | 7.                            | 7.40                           | 12.                        | 12.55                          | Sunset         |
| Sept. 20 <sup>th</sup> to Oct. 30 <sup>th</sup> | Sunrise                            | 7.30                          | 8.10                           | 12.30                      | 1.10                           | 7.             |
| Nov. and Dec.                                   | Sunrise                            | —                             | —                              | 12.30                      | 1.10                           | 7.             |

Breakfast before commencing work in Nov. Dec. Jan & Feb.

FACSIMILE OF TIME CARD OF MACHINE SHOP IN PROVIDENCE, R. I., FOR 1848. From Tarbell's "Golden Rule in Business" in the *American Magazine* for April, 1915.

factories throughout the country, though in some districts, especially in New England, a twelve-hour day remained the rule down to the Civil War.

**552.** Foremost in the program of the workingmen stood the demand for free schools supported by public taxes and controlled by the public will. In New England this ancient principle of the Puritans had been largely abandoned, and the surviving

public schools were much inferior to the private schools. In New York and Pennsylvania (outside Philadelphia, Pittsburg, and Lancaster County), all public schools were **pauper schools** — cheap private enterprises for poor children *only*, supported by appropriations from the county boards.

The labor unions protested indignantly against the pauper school, and against any “class” school. They called for a “general and equal education . . . immediately under the control and suffrage of the people,” not “as charity . . . but as of right,” “for every child in the State, from the lowest branch of the infant school to the lecture rooms of practical science.”<sup>1</sup> They anticipated also the modern demands for the kindergarten and for industrial training.

Toward this call for free schools for the people, the capitalistic press adopted a tone of condescending reproof. It reminded the workers that more education was already attainable by the poor in America than anywhere else. *Much more could never be expected.* “The peasant must labor during those hours of the day which his wealthy neighbor can give to abstract culture: otherwise the earth would not yield enough for the subsistence of all.” And again, “Education . . . must be the work of individuals. . . . If a government concern, *nothing could prevent it from becoming a political job.*” Many leading papers reviled the idea of free public schools as “Agrarianism” or “an arbitrary division of property.” And one editor deplors the taking away from “the more thriving members” of the working classes “one of their chief incitements to industry, — the hope of earning the means of educating their children.” Indeed, it is hard to find any of the hoary arguments, still furbished anew against every democratic proposal, which was not worn threadbare in the thirties in opposition to a free-school system.

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<sup>1</sup>These quoted phrases are all taken from two of many reports on this matter adopted by the Mechanics' Union of Philadelphia. They are typical. More detail is given in West's *American History and Government*.

FOR FURTHER READING. — A somewhat fuller account of the Industrial Revolution in England is given in the *Modern World*, §§ 661–680. Material for the industrial conditions in America was not accessible in any suitable degree until the recent appearance of the *Documentary History of American Industrial Society* (§ 540, note, above). The older standard histories are therefore all lacking in this matter. Some valuable matter is scattered through the pages of Dodd's *Expansion and Conflict*, — especially pp. 39–51, and a forceful sketch of the movement is given in Simons' *Social Forces in American History*, 179–190.

## CHAPTER XLIX

### INTELLECTUAL AND SOCIAL PROGRESS

**553.** THROUGHOUT the East, we have noted, **elementary public schools** were lacking or poor. Their revival was owing first of all to the persistent demand by the workingmen. That agitation prepared the ground for the work of humanitarian reformers led by *Horace Mann*. Through Mann's efforts, Massachusetts created a State Board of Education in 1837 and established the first American Normal School in 1839. By such forces, a good system of "common schools" soon spread over the Eastern States.

**554.** Meantime the Northwest, where all men were workingmen, was setting up, on paper at least, a **complete system of free public education**, such as the workingmen of the East were vainly asking for. In the West, elementary schools drew some help from the national land grant in the Survey Ordinance (§ 314), and State "universities" were founded early to save the national grant for "higher institutions of learning" (§ 315). It was natural therefore for the West to try to link primary school and university by public "high-schools," so as to form a complete State system. The constitution of Indiana in 1816 declared it the duty of the legislature to establish "*a general system of education, ascending in regular graduation from township schools to a State University, — wherein tuition shall be gratis and equally open to all.*"

*In practice*, however, private academies made the chief link between elementary schools and college for two generations more. Even the primary schools were often more imposing on paper than in fact; and in many States the land grants were wasted or stolen by incompetent or venal politicians. Still, by 1840, public schools were frequent enough in the Northwest,

as in the Northeast, so that a poor boy with ambition and self-denial could usually get at least "a common school education."

**555. "Higher education"** made even more progress than did the common schools. The Western "universities" were paper universities for some time more; but the "small college" multiplied in numbers and grew toward high standards and enlarged usefulness, especially in the Northeast. Amherst, Bowdoin, Dartmouth, Hobart, Williams, in that section, had multitudes of ambitious imitators in the Southern and Northwestern States. Every Southern planter sent his sons to college, as a matter of course, — very often to the larger Northern institutions. In proportion to the White population, therefore, the South had more youth in college, down to the Civil War, than any other section.

*In 1830 Oberlin, in Ohio, opened its doors to women.* No other institution of equal rank did so for twenty years more; but special "seminaries" for girls soon appeared in large numbers.

**556. The first real flowering in American literature came just after 1830.** America's only earlier distinction in letters had been in political oratory. In this field, from 1812 to 1830, Webster, Clay, and Calhoun sustained the best traditions of the Revolutionary days; and those same years saw also the *early* work of Irving, Cooper, and Bryant. All these six long continued to grow in fame and power. And now between 1830 and 1845, began the public career of Edward Everett in oratory; of Emerson, Hawthorne, Holmes, Longfellow, Lowell, Poe, and Whittier in the literature of creative imagination and spiritual power; of Bancroft, Prescott, Palfrey, and Sparks in historical composition; of Kent and Story in legal commentary; of Audubon, Agassiz, Dana, and Asa Gray in science. Noah Webster's *Dictionary* was published in 1828; ten years later, the Smithsonian Institution was founded; and, midway between, appeared the first penny daily, the *New York Sun*.

True, this splendid outburst was confined to the North Atlantic section, and almost wholly to the New England district. It soon found, however, as eager an *appreciation* in the North-

west as in New England itself. The Southern aristocracy had little sympathy with "Yankee" literature, tinged as most of it was with anti-slavery sentiment, but clung conservatively to the old English classics and to such moderns as Scott.

**557. The intellectual ferment of the thirties and forties transformed society.** Exact and profound scholarship was still lacking; but an aspiration for knowledge, a hunger for culture, a splendid idealism, became characteristics of American life,—until "fattened out," for a time after 1875, by a gross material prosperity. During that long era, to welcome "high thinking" at the price of "plain living" was instinctive in an almost unbelievably large portion of the people.

Ambitious boys, barefoot and in threadworn coats, thronged the little colleges, not for four years of a good time, but with genuine passion to break into the fairy realm of knowledge; and their hard-earned dimes that did not have to go for plain food went for books.<sup>1</sup> English authors of a new sort of genius—Carlyle, Browning, William Morris—as well as English scientists with new teachings, like Darwin and Huxley, reached appreciative audiences in America sooner than at home.<sup>2</sup> Many an English book, afterward recognized as epoch-making, found its way into far Western villages, and into the hands of eager young men and women there who had never worn evening dress

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<sup>1</sup> In 1846 a boy of eighteen started for Knox College, at Galesburg, Illinois. By working as a farm hand (he harvested two weeks for a Virgil and a Latin Dictionary), and by teaching school for a few months (and "boarding round") at eight dollars a month, he had saved up ten dollars. He walked first to Chicago, the nearest town, for supplies; but the unaccustomed temptation of the display in a bookstore window lured him within, and most of his capital went for a few books, which would seem old-fashioned, indeed, to the boys of to-day. The remaining cash bought only a pair of shoes and an Indian-blanket coat (with great stripes about the bottom). To save the precious shoes, he then *walked* the two hundred miles from his home to Galesburg barefoot. His first day there, he built a fence for the President's cow pasture, to earn money for textbooks, and found a place to work for his board through the college year. This man became one of the notable builders of a Western commonwealth.

<sup>2</sup> Carlyle's long-delayed income from his books came first from reprints in America, managed by Emerson.

or eaten a course dinner, long before it penetrated to even the "reading set" at Oxford University.<sup>1</sup> The *North American Review* and, a little later, the *Atlantic Monthly*, periodicals of fine literary tone, could be seen in isolated farmhouses on Western prairies.

A caricature picturing a gaunt New England housewife on hands and knees to scrub, but pushing before her a stand holding an open copy of Emerson to which her eyes were glued, might have been applied, with no more exaggeration, to show the strenuous struggle for culture in many a modest home in Kansas or Minnesota. The village sewing society eschewed gossip to listen to one of their number reading aloud while the others plied the needle. Each village had its lyceum, for the winter evenings, with literary programs, — readings, declamations, and debates — crude and quaint enough, sometimes, but better than "refined vaudeville." Such villages, too, aspired to frequent courses of lectures, — with such eastern celebrities as Holmes and Everett on the program; and often the proceeds of the lectures were used to start a village library.<sup>2</sup> Twice, on such lecture tours, Emerson penetrated beyond the Mississippi, greeted in barn-like "halls" by hard-handed men and women, seated on wooden benches, with eager faces agleam with keen intellectual delight.

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<sup>1</sup> Before 1862, W. D. Howells, then a young newspaper writer in a raw Western town, counted Browning and Thackeray among his favorite authors; but Walter Besant mentions in his *Autobiography* that these authors were not then known to his set at Cambridge University.

<sup>2</sup> In 1859 Edward Everett lectured at St. Cloud, a new, straggling village of a hundred houses, in Minnesota. The one-room schoolhouse in which he spoke was promptly named the Everett School; and receipts from the "entertainment" were appropriated for a library which was kept for years in a private home. After the Civil War, a Woman's Aid Society, which had been earning money to send dainties and medicines to sick soldiers, continued its meetings and used its money to enlarge this choice collection of books. There, as a boy, the writer made first acquaintance with Carlyle, Marcus Aurelius, standard histories of that day, such as Prescott's *Philip II* and Motley's *Rise of the Dutch Republic*, and the novels of Scott, George Eliot, and Thackeray. This experience was typical. The few books, purchased by real book lovers, were not yet buried in a mass of commonplace.

**558.** The intellectual and moral ferment of the time overflowed in manifold attempts at Utopias set off from ordinary society. New England Transcendentalists tried a coöperative society at *Brook Farm* (1841), with which Emerson and Hawthorne were connected.<sup>1</sup> Robert Owen, who had already attempted a model industrial town in Scotland, founded *New Harmony* in Indiana, where labor and property were to be in common. Scores of like communities were soon established in different parts of the West; and the old communistic societies of the "Shakers" spread rapidly. Said Emerson, with genial recognition of the humorous side of the upheaval, "Not a man you meet but has a draft of a new community in his pocket."

**559.** Peculiar among these movements was *Mormonism*, with its institution of polygamy. Mormonism was founded at Palmyra, New York, in 1829, by *Joseph Smith*, who claimed to be a prophet and to have discovered the inspired *Book of Mormon*. Soon the "Latter-Day Saints" removed to Ohio; then to Missouri; and, driven thence by popular hatred, to Illinois, where, in 1841, they established at Nauvoo a "Holy City" of ten thousand people, industrious and prosperous, ruled by Smith after the fashion of an ancient Hebrew "Judge." Three years later, a mob from surrounding towns broke up the settlement and murdered Smith. Then, under the youthful Brigham Young, the persecuted Mormons sought refuge in Utah, vaguely supposed to be a part of Mexico, but remote from any organized government and sheltered from "civilization" by the desert and the Rockies. Here their industry made the cactus sands to bloom, and they remained in peace until invaded by the rush of gold-seekers to California after '49.

**560.** More effective were a multitude of movements for social betterment *within* the existing community. Massachusetts founded the first *public hospital for the insane*; and *Dorothy Dix* spent a noble life in spreading such institutions in other States. *Special schools for the deaf and the blind* were instituted. States began to *separate juvenile delinquents from hardened criminals*; and for the criminals themselves *more rational and wholesome prison life* was attempted. *Temperance societies*

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<sup>1</sup> Hawthorne's *Blithedale Romance* satirized the movement, and caricatured some of the participants.

began in Boston in 1824 ; and, in 1846, Maine adopted the first *State-wide prohibition law*. The *Abolition* movement rose and spread, and soon the agitation against slavery became the chief manifestation of this great wave of moral earnestness. The thirties, too, saw the beginning of a long agitation for *Woman's Rights*, including coëducation, equality with men in inheriting and owning property, and the franchise. To these must be added the many reforms urged especially by the labor movement (§ 549).

The legal position of woman everywhere in America was still regulated by the medieval *Common law*. An unmarried woman's earnings and "property" were not hers (any more than a slave's were his), but belonged legally to her father. A married woman's property (unless protected by express legal settlement) was her husband's, and, in many degrading ways, she was herself his chattel. *Statute law* now began faint reform of some of these evils.

**561. Mechanical invention** began now to revolutionize industry and life. From the inauguration of Washington to the War of 1812, patents for new inventions averaged less than eighty a year. From 1812 to 1820, they rose to nearly two hundred a year, and in 1830 the number was 544. Twenty years later, the thousand mark was passed, and in 1860, the number was nearly 5000.

These inventions mostly *saved time* or *tended to make life more comfortable* or *more attractive*. A few cases only can be mentioned from the bewildering mass. Axes, scythes, and other *edged tools*, formerly imported, were manufactured at home. The *McCormick reaper* appeared in 1831. This invention, with its improvements, soon multiplied the farmer's efficiency in the harvest field by twenty, and, with the general introduction of *threshing machines*, made it possible for our people to use the vast grain lands of the Northwest. *Planing mills* created a new industry in wood. *Colt's "Revolver"* (1835) replaced the one-shot "pistol." *Iron stoves* began to rival the ancient fireplace for cooking. *Friction matches* (invented in England in 1827) were the first improvement on

prehistoric methods of making fire. *Illuminating gas* for city streets improved city morals. In 1838 the English *Great Western*, with screw propeller and with coal to heat its boilers, established *steam navigation across the Atlantic*,—though the bulk of ocean freight continued long to be carried in American sailing ships. The same year saw the invention of the *steam*



HARVESTING IN 1831. McCormick's first successful horse-reaper. The "self-binder" was a later feature. This photograph, based upon a "reconstruction," and the following one are furnished by the International Harvester Company.

*hammer* and the successful *application of anthracite coal to smelting iron*.<sup>1</sup> In 1839 a Frenchman, Daguerre, began *photography* with his "daguerreotypes," and still earlier another French chemist had found how to *can foods*. In 1841 the

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<sup>1</sup> Pittsburg was already the center of iron manufactures for the West. Now its neighborhood to both anthracite and iron made it a center of this great industry for the whole country.

anæsthetic value of ether, an incomparable boon to suffering humanity, was discovered separately by Dr. Morton and Dr. Jackson. The *magnetic telegraph*, invented in 1835, was made effective in 1844. Howe's *sewing machine* was patented in 1846; the next year saw the first *rotary printing press*.

Except as otherwise indicated, all these inventions were by Americans. In 1841 America had its full revenge for earlier British disdain, when a member of the English cabinet declared in parliament, "I apprehend that a majority of the

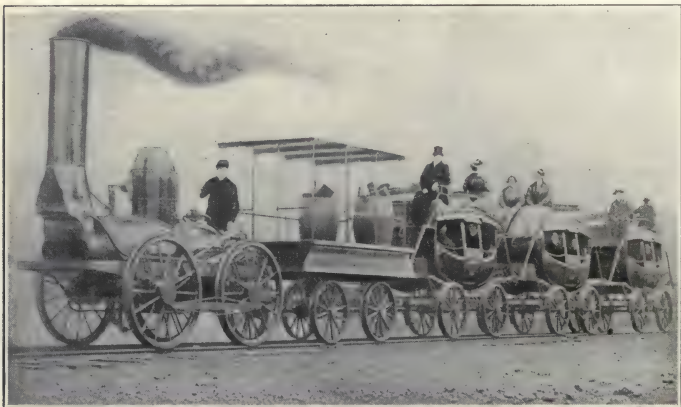


**HARVESTING TO-DAY.** A Mogul Kerosene Tractor pulling two McCormick reapers and binders with mechanical shockers. The tractor is managed by the man on the front reaper. Two men take the place of six human beings in the previous cut and do many times as much work.

really new inventions [lately introduced into England] have originated abroad, *especially in America.*"

**562. The Railway** deserves a fuller account. Tramways (lines of wooden rails for cars drawn by horses, for short distances) came into use in some American cities about 1807.

As early as 1811, *John Stevens* began twenty years of fruitless efforts to interest capital in his dream of a *steam* railway. In 1814, in England, George Stephenson completed a locomotive, which found employment in hauling coal on short tracks; but no railway of consequence for passenger traffic was opened there until about 1830. After 1825, the question was much agitated in America; and *July 4, 1828*, the aged Charles Carroll, signer of the Declaration of Independence, drove the golden spike that marked the beginning of the *Baltimore and*



THE "DEWITT CLINTON," the first railroad locomotive that ran in New York. It made its first trip, August 9, 1831, from Albany to Schenectady. From a photograph of a "restoration."

*Ohio.* The same year witnessed a score of charters to projected lines; but construction was slow, from lack of experience and materials, and especially from lack of engineers to survey and construct roadbeds; and it was still thought commonly that about the only advantage for railroads over canals would lie in the freedom from interruption by ice in winter.

In 1830 less than thirty miles of track were in use,—and this only for "coaches" drawn by horses; but in 1840 nearly three thousand miles were in operation, and, for long thereafter, the mileage doubled each five years. The early rails

were of wood, protected from wear by a covering of wrought-iron "straps," perhaps half an inch thick, which had the awkward habit of curling up at a loosened end. The "coaches" imitated the shape of the stagecoach; but finally a form more adapted to the new uses was devised. The rate of progress on the first roads rose to fifteen miles an hour,—something quite beyond previous imagination. By 1850, the railroad had begun to *outrun settlement*, forging ahead into the wilderness, "to sow with towns the prairies broad," and to *create* the demand for transportation which was to feed it (§ 703 and map).

It was natural to treat the *railway like any other improved road or public highway*, so far as conditions would permit. Some States, at first, *permitted any one to run cars over a line* by paying proper tolls. But, in the absence of scientific system and of telegraphic train-dispatching, so many accidents occurred, that this plan was given up.<sup>1</sup> Then roadbed and train fell to one ownership.

It remained to decide whether that owner should be the public or a private corporation. Several States tried *State ownership*, as with canals (Massachusetts, Pennsylvania, Michigan, Georgia); but lines ran from State to State in such a way as to make this practically impossible. No one in that day suggested that the *nation* should own and operate railroads; and so these tremendously powerful forces were abandoned to private corporations.<sup>2</sup> Congress, however, has many times encouraged such corporations by immense grants of public lands along a proposed line in a "Territory," as State legislatures have done within State borders. Unhappily, such grants have often been made carelessly, if not corruptly, without proper security for adequate return to the public welfare.

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<sup>1</sup> "Single-tax" reformers believe that this plan should be reintroduced under the improved conditions of to-day.

<sup>2</sup> Usually known to-day as "public-service" corporations (along with city gas companies, electric lighting companies, etc.) because they can exist only by grants of right-of-way and other privileges *from* the public, in return for expected services *to* the public.

## CHAPTER L

### THE "REVOLUTION OF 1828"

**563.** The victory of Jackson in the Nation was a sign and a result of a democratic victory that unknown men had been winning in the States. It was possible only because of a recent rapid extension of manhood suffrage. At Washington's election manhood suffrage was found in none of the thirteen States. At Jefferson's election it was practiced in only Kentucky and Vermont out of the sixteen States. By 1824 it was established in ten of the twenty-four commonwealths, and five others had removed all but nominal restrictions upon it.

Between 1792 and 1821, eleven new States had been admitted. Tennessee had an ineffective restriction on the franchise (removed in a new constitution in 1833); Ohio at first required *payment of taxes* as a qualification for voting; and Mississippi required either that or *service in the militia*. The other eight new states came in with manhood suffrage. Four of the older States also had followed in the footsteps of the progressive West: Maryland adopted manhood suffrage in 1810; Connecticut, in 1818; in 1821, Massachusetts and New York reduced their former qualifications to *tax payment or militia service*, and in 1826 New York removed even this restriction.

**564.** These reforms had been carried against vehement protest by the elder statesmen. The aged John Adams and the stalwart Webster made stubborn resistance in Massachusetts. In New York, Chancellor Kent, a great lawyer and a noble man, pleaded with the constitutional convention not to "carry desolation through all the fabric erected by our fathers," or "put forth to the world a constitution such as will merit the scorn of the wise and the tears of the patriot." In Virginia (1830), only a slight gain was made, because of the opposition of Marshall, Madison, and Randolph, — ancient foes, who joined hands to shut out 80,000 White citizens from the vote.

Everywhere but in the West, leadership in the old party of Jefferson had fallen into the hands of aristocrats. With striking unanimity, North and South, such leaders now publicly denounced the war cry of Jackson—"Let the people rule"—as ominous of the "tyranny of mere numbers" and "destructive of the checks and balances of the Constitution."<sup>1</sup> In the Federal presidency itself, Monroe and Adams had brought back the pomp and ceremonial against which Jefferson had contended.

**565. The election of Jackson** then, even more than that of Jefferson, marks a true "revolution" in American society. Again a new generation had come upon the stage—and indeed upon a new stage. The victory of Jackson was the victory of the new West over the old East; and in the East itself it was the victory of the newly awakened labor class. Everywhere it was the victory of a new radical democracy, untrained, led by "men of the people," over the moderate democracy of Jefferson, led by trained, leisured, cultured "gentlemen."<sup>2</sup>

Jeffersonian democracy had feared government: Jacksonian democracy was eager to use it. The old democracy had taught that the people should be governed as little as possible: the new democracy taught that the people might govern as much as they liked. More,—drunk with its victory, democracy began to insist not merely that majorities ought to be *supreme*, as the best policy, but even that majorities were always **right**: "*vox populi, vox Dei*."

**566. The wider suffrage after 1825 brought other political changes.**

(1) *The franchise was used more directly.* In an increasing number of States, the governors and judges were chosen by the people instead of by the legislatures. So, too, of presidential electors: in 1800 ten States of the sixteen chose

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<sup>1</sup> Dodd's *Expansion and Conflict*, 11, gives some illustrations.

<sup>2</sup> To compare the exterior of Abraham Lincoln (frontispiece), and the log cabin in which he was born (page 419), with the portrait of Jefferson on page 426 and the photograph of Monticello on page 411, is to glimpse some of the contrast between Jeffersonian and Jacksonian democracy.

electors by legislatures; in 1828 only two of the twenty-four did so, and after that the only State to continue the practice was South Carolina.

(2) *The presidency gained power.* It was no longer filled, even in theory, by a select coterie. Jackson's friends liked to call their leader "the chosen Tribune of the people." The Nation found it easier to express its will in choosing one man than in choosing a Congress in hundreds of local units, often largely upon local issues.

(3) The two matters just mentioned combined to bring out *a larger vote*. The election of 1789 was fiercely contested in New York, but only one vote was cast for every 27 inhabitants. In 1828 that State cast a vote for every six inhabitants. Pennsylvania cast 47,000 votes in 1824, but 150,000 in 1828. In Massachusetts only one man in 19 went to the polls in 1824; but after 1828 the proportion was rarely under 1 in 8.

(4) *Property qualifications for office disappeared rapidly.*

(5) *Test oaths were abolished*, so that Jews and Catholics could hold office.

(6) *The union of State and Church* in Connecticut and Massachusetts (§ 269) *was overthrown*.

(7) This greater democracy in politics brought *social changes* also. After the extension of the suffrage in Connecticut in 1818, public officers ceased to wear cockaded hats, powdered wigs, or knee-breeches and silk stockings.

**567. Andrew Jackson** dominated America for twelve years (1829-1841), for his control reached over into the administration of his successor and political heir, Van Buren. He was of Scotch-Irish descent, and his boyhood had been passed in the backwoods of North Carolina, in bare poverty. Picking up some necessary scraps of knowledge, he removed to the newer frontier of Tennessee to practice law. He was a natural leader; and his incisiveness and aggressiveness forced him to the front. In 1797 Tennessee sent him as her first Representative to Congress, — for which life at that time he seems to have been little fitted. Gallatin noticed him only for his

uncouth dress and manner, — unkempt hair tied in an eel-skin cue, — and Jefferson was disgusted by the “passion” that “choked his utterance.”

Soon, however, Jackson found his place as military leader and Indian fighter; and he came back to political leadership as a more imposing figure, — the natural spokesman of Western democracy. “Old Hickory” remained spare in person, with the active and abstemious living of the frontier. His hair was



“CLAR DE KITCHEN,” a contemporary cartoon caricaturing Jackson’s treatment of his cabinet and friends when they differed from him. The faces are all portraits. By the courtesy of the Library of Congress.

now a silvered mane. His manner was marked by a stately dignity and, toward all women, by true courtliness. Beneath this exterior, he remained as pugnacious and fearless and self-confident as ever; apt to jump to conclusions and stubborn in clinging to them;<sup>1</sup> sure of his own good intentions, and, with somewhat less reason, of his good judgment; trusting his

<sup>1</sup> A choice bit of contemporary satire makes him say, “It has always bin my way, when I git a notion, to stick to it till it dies a natural death; and the more folks talk agin my notions, the more I stick to ’em.”

friends (not always wisely chosen) as himself; and moved by an unconscious vanity that made it easy for shrewd men to play upon him; but, withal, with sound democratic instincts, hating monopoly and distrusting commercial greed and all appeals from it for alliance with the government, and believing devotedly in the "sovereignty of the people," a sovereign who "could do no wrong." As President he felt himself to be the embodiment of the Nation's will; and he seized a masterful control of Congress so successfully and imposingly that all Presidents since have felt themselves possessed of rightful power never claimed by Washington or Jefferson.

*One symbol of the new power of the President was the growth of the veto. The preceding six Presidents together had vetoed nine bills — all on constitutional grounds; Jackson hailed twelve vetoes on the astounded Congress to control general policy, besides using freely the "pocket veto" which was permitted by the Constitution but which no former President had used.*

**568.** The first and main fault of the new democracy, and of its chief, was the degradation of the civil service. Since Jefferson's election, there had been no change of party, and, until 1824, no factional contest within the dominant party. Accordingly, there had been no occasion for sweeping changes among office-holders. In 1820 Senator Crawford of Georgia had secured a "four-year tenure-of-office bill," providing that a great number of offices should thereafter always become vacant four years after appointment. But Adams, with high-minded dignity, refused to take advantage of this legal opportunity to punish adversaries and hire supporters. Instead, he reappointed all fit officials affected by the law, and made altogether only twelve removals during his term. The law remained, however, a keen weapon for less scrupulous men.

Jackson, indeed, needed no new weapon: the powers of the President under the Constitution were enough for him. His enemies were, to his mind, the Nation's enemies; and he was controlled by friends who brazenly proclaimed the doctrine, "To the victors belong the spoils of the enemy."

Jackson men from distant States hastened to the Capital to attend the inauguration and press claims to appointments. Never had Washington seen such a horde of hungry politicians.<sup>1</sup> In the preceding forty years of the government, there had been less than two hundred *removals* from office *for all causes*. In his first year, Jackson made two thousand. But this was far too moderate to content the multitude. The policy of spoils was the Nation's blunder, not merely the President's; and the Nation was to be shackled by it for more than a generation.<sup>2</sup> At the moment it resulted in widespread inefficiency and in many scandalous cases of corruption—to all of which Jackson held himself stubbornly indifferent. His successor reaped the whirlwind. In 1837 (Van Buren's first year) the collector of the New York Customs defaulted in the sum of a million dollars and, together, 64 of the 67 land officers stole a million more.

**569. The enlarged vote called for new political machinery.** Each party created a *hierarchy of permanent committees* to manage its interests. From a National Committee there radiated downward the many State Committees. From each of these branched the committees for the counties and Congressional districts of the State; and from these, the committees for the precincts in the smallest voting units.

*This committee system was soon interwoven with a convention system.* The division into parties had made it advisable to agree upon candidates for President *in advance of the campaign*,—something never contemplated, as we have seen, by the Consti-

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<sup>1</sup> McMaster (V, 521 ff.) gives a graphic picture. There is a briefer but more caustic one in McLaughlin's *Cass* (136, 137): "The scrambling, punch-drinking mob which invaded Washington at the inauguration, crowding and pushing into the White House, tipping over tubs of punch and buckets of ices, standing with muddy, hobnailed shoes on the damask furniture, thrusting themselves into the nooks and corners of the executive mansion with the air of copartners, who at last had an opportunity to take account of the assets of the firm. . . ."

<sup>2</sup> The "spoils system" came into force in some States, notably in New York, sooner than in the Nation at large; and it has persisted longer as a serious obstacle to reform in city and State even than in the National government.

tution. For a while this was accomplished by the Congressional caucus (§ 389). But at such a caucus the members were Congressmen who had been chosen two years before, on wholly different issues. Men resented it that such uncommissioned "representatives" should presume to speak for the party on this vital matter, and the repute of "aristocratic King Caucus" had been dissipated finally in the campaign of 1824 (§ 517).

The same causes which discredited the Congressional caucus for the Nation had also discredited legislative caucuses for nominating State officers; and New York and Pennsylvania had devised State Conventions, chosen in party gatherings in the various election districts. *This step was extended to the Nation at large in the campaign of 1832.*

**570.** For the next three quarters of a century, this machinery worked in the following way. The National Convention of a party (1) nominated candidates for President and Vice President; (2) adopted a statement of principles ("platform," on which the candidate was to stand); and (3) appointed a new National Committee,—one member from each State and Territory. Some months in advance of the next presidential election, this committee issued a call for a new National Convention of its party. Below the National Committee were State, County, Town, and Precinct committees, each chosen by party gatherings or conventions. During the campaign the National Committee collected funds, secured and distributed campaign literature, and sent speakers and money to the critical States, to be used as the State Committees should direct.

**571.** *This complex machinery called for an immense body of workers, — "more people," said a competent authority twenty years ago, "than all the other political machinery in the world."* It was natural, therefore, that its development should have gone along with the appearance of the **spoils system** (§ 568), to pay the necessary recruits.

Quite as naturally the new machinery created "bosses," to direct it. In theory, the political machinery was to repre-

sent the people's will. In practice, among a busy, optimistic people, it was admirably fitted to fall into the hands of "professionals." For half a century, while the system was at its worst, the average citizen (unless with an "ax to grind") largely withdrew from all political duties, except that of voting for the names put before him. Officeholders of various grades managed the committees of the party in power; and expectants for office managed those of the other party. Such conditions gave a low tone to politics. A campaign, to the most active participants, was dangerously like a struggle for mere personal preferment.

"Ward heelers" and the lowest grade of active workers, taking orders from a city boss, managed ward and precinct primaries. The professionals were often the only voters to appear; and if other citizens came, they found the chairman, judges, and printed tickets all arranged for them by the "machine." The managers were usually unscrupulous players of the game, and, at a pinch, did not hesitate to "pack" a meeting in order to secure the election of their delegates. Arrived at State or county convention, such delegates, with disciplined obedience, put through the "slate" drawn up in advance by the bigger bosses, — who commonly had arranged all details with a nicety and precision found until recently in few lines of business.

The big boss was not always an officeholder. His profit often came in indirect ways and sometimes in corrupt ways. Corporations wishing favors or needing protection against unfair treatment were willing to pay liberally the man who could secure their will for them. *Often the bosses of opposing parties in a State have had a perfect understanding with each other, working together behind the scenes and dividing the plunder.*

**572.** The President's "patronage" gained new importance from this "boss" system. It soon became the rule for him to nominate postmasters and other Federal officeholders only on the recommendation of the congressman of the district, if he were of the President's party, or of the "boss" who expected to become or to make a congressman. The congressman uses this control over Federal patronage to build up a personal machine, so as to insure support for his reelection. And the practice gives a powerful weapon to a strong President, who is

often able to coerce reluctant congressmen into being "good" by threatening not to approve their recommendations.

**573.** Famous among the tricks of the game, as professional politicians came to play it, was **the gerrymander**. It is the custom to choose congressmen by districts. A State, therefore, is partitioned by its legislature into as many congressional districts as it has congressmen. Frequently, the party in power shapes these districts with shameful unfairness. If it cannot control them all for itself, it can usually pack hostile majorities into two or three of many districts, leaving the rest "safe"; or it can add a strongly favorable county to a doubtful district. State constitutions usually

require that a county shall not be divided (unless of itself it makes more than one district) and that each district must be made up of "contiguous territory." But such restrictions amount to little in the absence of popular opinion to resent and punish trickery.



STUART'S DRAWING OF THE ORIGINAL "GERRYMANDER," used in 1813 as part of an anti-Gerry handbill.

The first notorious use of this device was in Massachusetts in 1812. The Republicans were in power, but could not hope to retain it against Federalist feeling regarding the War. To keep a part, the legislature, with the approval of Governor Gerry,

constructed a congressional district of atrocious unfairness. A Federalist editor drew a map of this and hung it over his desk, to feed his wrath. Gilbert Stuart, the famous painter, noticed the monstrosity one day, and with ready pencil added wings and claws, exclaiming, "There's your salamander!" "Better say Gerrymander," growled the editor, a bitter hater of Governor Gerry; and the uncouth name passed into current use.

## CHAPTER LI

### THE JACKSON PERIOD, 1829-1841

**574.** JACKSON had two thirds of the electoral votes, every one south of the Potomac and west of the Appalachians, together with those of Pennsylvania and New York.<sup>1</sup> The question for his opponents was whether the alliance of West and South could be broken. Those two sections were still united against the capitalistic East by their bitterness toward the Bank and the Supreme Court; but neither Bank nor Court at this time was in "practical politics." The pressing problems concerned *protection, nullification, and the public lands.*

The *North Atlantic section* insisted on a continuance of high protection, and (under the old apportionment of 1820) it still had a powerful vote in Congress. But in the *South*, college boys formed associations to wear homespun, as a protest against the Northern manufactures; and during 1828-1829 every legislature from Virginia to Mississippi had declared for secession or nullification if the tariff policy were not radically changed. (Review §§ 506-511.)

The *West*, not very insistent either way on the tariff,<sup>2</sup> was devoted to the Union, which the South threatened; but, in opposition to the East, it was even more devoted to securing a freer public land policy, to attract new settlers and to protect old settlers against tribute to Eastern speculators.

**575.** This land reform was championed in Congress especially by *Thomas H. Benton*, Senator from Missouri (§ 503), and the devoted follower of Jackson. The other great leaders of the time were the trio *Calhoun, Webster, and Clay*, who had filled the public eye since 1816.

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<sup>1</sup> These two manufacturing States the labor vote carried for Jackson.

<sup>2</sup> The tariff favored wool and some other raw products of the West.

*Calhoun*, of strict Calvinistic training, keen in logic, austere in morals, was no longer the ardent young enthusiast for nationality that he had been just before and after the War of 1812. He had reversed his stand on the tariff, to go with his



section. He was the chief spokesman of the planters, and the most powerful advocate of the *right* of nullification. He still loved the Union, but he believed it could be preserved only by making it elastic enough so that the States might nullify Federal laws.

*Webster* was a majestic intellect and a master in oratory. He, too, had reversed his stand both on the tariff and the Bank, to go with *his* section. He was the leading champion in Congress of the manufacturing capitalists; and, from an advocate of States Rights in the War of 1812, he had become the great defender of the Union.

*Clay*, impetuous, versatile, winning, was the only one of the three who still held his old positions on leading questions. Until 1820 he had been absolutely supreme in the West. After that time he had lost influence because of his support of the Bank; and his alliance with Adams in 1824 had still further undermined his popularity. However, he remained the only leader who could at all withstand Jackson in his own section; and not even Jackson won such devoted personal enthusiasm.

**576. The National Bank**, like its predecessor of 1791, *was a huge monopoly* — one of the two or three greatest money monopolies in the world at that time. It had special privileges not open to other individuals or corporations.<sup>1</sup> It had vast power, too, over State Banks and over the business of the country: at a word it could contract the currency in circulation by a third. The Bank had used its tremendous power for the advantage of the country in ways that Jackson could not appreciate; but at any time it *might* use its power in politics, — and Jackson felt this danger vividly.

The Bank's charter was not to expire until 1836, and Jackson's term ended in 1833; but in his first message to Congress (December, 1829) he called attention to the fact that within a few years the Bank must ask for a new charter, and asserted that "both the constitutionality and the expediency" of the institution were "questioned by a large part of our fellow citizens." Clay seized the chance to array the Bank against Jackson, and persuaded Biddle (the Bank's president) to ask

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<sup>1</sup> Under the system of the past half-century, any body of men with a few thousand dollars can open a "national bank." This is a situation wholly different from that of 1816-1835.

Congress *at once* for a new charter. The bill passed, and Jackson vetoed it (July, 1831), declaring the Bank's control of the country's money a menace to business and to democratic government. Again, too, despite the decision of the Supreme Court in 1819, he called the Bank charter unconstitutional.

**577.** Jackson's foes were jubilant. Webster and Adams both declared that the "old Indian fighter" was in his dotage; and Clay and Biddle printed and circulated 30,000 copies of the veto as a campaign document to defeat his reelection.

It proved an admirable campaign document — *for* Jackson. **In the election of 1832 the foremost question was *Jackson or the Bank*.** The president was a novice in politics, but he had outplayed the politicians and selected the one issue that could keep his old following united. The West and Southwest hated the Bank and loved Jackson; the old South at least hated the Bank; and once more the workingmen of the Eastern cities declared vehemently against all monopolies. The Bank went into politics with all its resources, open and secret. In particular it made loans on easy terms to fifty members of Congress; it secured the support of the leading papers; and it paid lavish sums to political writers all over the country to attack Jackson.

**578.** Jackson was reëlected by 219 electoral votes, to 49 for Clay, and he received a larger popular vote, in proportion to population, than any president had ever had. For the first time, a President had appealed to the Nation over the head of Congress; and the Nation sustained him.

In this campaign the National Republicans (§ 520), complaining of Jackson's attempts to dominate Congress, took the name *Whig* — which in England had long indicated opposition to royal control over parliament.

**579.** Meantime the question of protection or nullification was pressing to the front. In the summer of 1828, while the South was seething with talk of secession, Calhoun had brought forward what he thought a milder remedy for the injustice of the tariff. This was his theory of nullification, presented in his famous *Exposition*.

That paper argued (1) that the tariff was ruinous to the South; (2) that "protection" was unconstitutional; (3) that, in the case of an Act so injurious and unconstitutional, *any State* had a *constitutional* right *peacefully* to nullify the law within her borders, until Congress should appeal to the States and be sustained by *three fourths* of them — the number necessary to amend the Constitution and therefore competent to say what was and was not constitutional.

**580.** Jackson's election in 1829 relieved this tension for a time. His first inaugural declared his wish to show "a proper respect for the *sovereign* members of our Union"; and he was supposed to dislike the existing tariff. Under these conditions, the South hoped that relief might come without its taking extreme measures. During 1828-1829, Southern leaders pressed upon Jackson unceasingly the need of securing new tariff legislation. Then, unexpectedly, **the question of nullification was argued in "the great debate" on the floor of the Senate (January 19-29, 1830).**

Senator Foote of Connecticut voiced the Eastern jealousy of Western growth by a resolution *to stop the sale of public lands*. The Westerners resented this attack on their development vigorously. Benton gladly seized the chance once more to set forth his plans for preëmption laws and other schemes to make easier the way for the pioneer. But soon the debate ranged far from the original matter. Senator Hayne of South Carolina denounced warmly the East's selfishness, pledged to the West the continued support of the South, *and at the same time sought to draw the West to the doctrine of Calhoun's Exposition*. Webster replied to Hayne's argument for nullification in two magnificent orations, stripping bare the practical absurdity of the doctrine, and portraying in vivid colors the glory of American Nationality.

**581.** Webster argued that the Constitution made us a Nation. To strengthen this position, he maintained that as one nation "we the people of the United States" had made the Constitution (§ 362). Here facts were against him; *but this historical*

*part of his plea was really immaterial.* The vital thing was not the theory of union held by a departed generation, but the will and needs of the throbbing present. And when he argued that the United States was *now* one Nation, and must so continue, he gave deathless form to a truth which, inarticulate before, had yet been growing in the consciousness of the progressive North and West. A brilliant picture of the manifold benefits of the Union closed with the splendid flight of eloquence which was to count in years to come for more than argument and more than armies:—

“While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that, I seek not to penetrate the veil. When my eyes shall be turned to behold, for the last time, the sun in heaven, may I not see him shining on the broken and dishonored fragments of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance, rather, behold the gorgeous ensign of the Republic, now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, not a single star obscured, bearing for its motto no such miserable interrogatory as, *What is all this worth?* Nor those other words of delusion and folly, *Liberty first, and Union afterwards*: but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—*Liberty and Union, now and forever, one and inseparable!*”

Says Professor MacDonald (*Jacksonian Democracy*, 111): “Hayne argued for a theory, which, however once widely held, had been outgrown, and which could not under any circumstances be made to work. Webster argued for a theory, which, though unhistorical in the form in which he presented it, nevertheless gave the Federal government ground on which to stand. The one . . . looked to the past, the other to the present and future. Both were statesmen; both loved their country: but Hayne would call a halt, while Webster would march on.”

**582.** The Southern leaders now arranged a Jefferson Day banquet at Washington (April 13, 1830), at which the toasts were saturated with State sovereignty. Jackson, the guest of honor, startled the gathering by proposing the toast—“*Our*

*Federal Union: it must be preserved.*" And soon he took advantage of several other opportunities to declare that he would meet nullification with force.

Jackson, however, did now recommend revision and reduction of the tariff; but he failed to get what he wanted. Clay thought he could defy both Jackson and Calhoun; and the new "**tariff of 1832**" removed only the absurd atrocities of 1828, returning to about the basis of 1824. This merely strengthened the principle of protection, and gave no relief to the South.

**583.** The South Carolina Congressmen now called upon their people to decide "whether the rights and liberties which you received as a precious inheritance from an illustrious ancestry shall be surrendered tamely . . . or transmitted undiminished to your posterity." During the National campaign for Jackson's reelection, a strenuous State campaign in South Carolina elected a legislature which by large majorities called a State convention. *Jackson, meanwhile, strengthened the Federal garrison at Fort Moultrie* (in Charleston harbor).

After five days of deliberation, the convention (November 19), by a vote of 136 to 26, **adopted an Ordinance of Nullification**, declaring the tariff laws void within South Carolina, and threatening war if the Federal government should attempt to enforce them.

**584.** December 10, 1832, *Jackson issued an admirable proclamation* to the people of South Carolina, warning them of the peril into which they were running, and *affirming his determination to enforce the laws*—by the bayonet if necessary. But to Congress, a few days before, he had once more recommended further revision of the tariff. The legislature of Virginia, at the suggestion of members of the Cabinet, urged **compromise**. Clay felt the whole protective system endangered, and he joined hands with Calhoun to draw a tariff bill acceptable to South Carolina,—providing for a reduction of the duties in the tariff of 1832, to be made gradually, so that by 1842 no rate should exceed 20 per cent. This was a return to something lower than the practice in 1816.

On March 1, 1833, Congress passed *both this compromise tariff and a Force bill* giving the President forces to bring rebellious South Carolina to obedience; and the President took what satisfaction he could get by signing the Force bill a few minutes sooner than the Tariff bill. **March 11, the South Carolina convention** reassembled and **rescinded the nullification ordinance**. Both sides claimed victory. South Carolina certainly had not yielded until she got all she had asked.

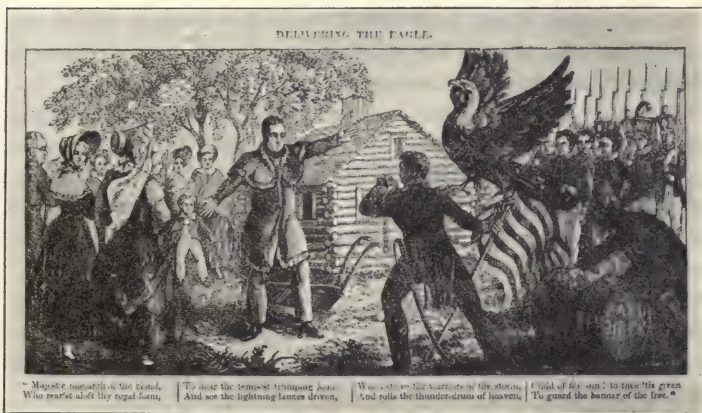
**585.** Whatever victory the President might possibly have boasted in South Carolina he weakened **by permitting Georgia to nullify a treaty** of the United States and a decision of the Supreme Court.

Georgia had enacted laws regarding certain lands which United States treaties declared to be Indian lands. A missionary to the Indians disregarded these pretended laws; and a Georgia court sentenced him to imprisonment for four years at hard labor. In March, 1832, the Supreme Court of the United States declared the Georgia statute void and ordered the release of the prisoner. "Well," exclaimed Jackson, "John Marshall has made his decision. Now let him enforce it." The missionary remained in prison.

Jackson's conduct in the two cases is partly explained by the fact that in one case he hated Indians, while in the other case he hated Calhoun. Moreover, Georgia's success humiliated only John Marshall, whom Jackson disliked: South Carolina would have humiliated the authority of the President of the United States,—who happened just then to be Andrew Jackson.

Jackson had discovered that, years before, Calhoun had tried to persuade Monroe's Cabinet to have him (Jackson) censured for exceeding his military authority. Moreover, a frontiersman like Jackson was certain to sympathize with Georgia's attempts to rid her soil of the Indians. Jackson urged Congress repeatedly to remove all Indian tribes to the "Indian Territory" beyond the Mississippi. This policy was finally adopted in his second administration, giving rise to the brief "Black Hawk War" in the Northwest, and to the long-drawn-out Seminole War in the Everglades of Florida. No act, however, did more to confirm Jackson's popularity in the land-hungry and somewhat ruthless West.

**586.** Jackson took his reelection in 1832 as a verdict from the people against the Bank. Its charter had three years still to run; but in 1833 Jackson insisted that the Secretary of the Treasury should thereafter deposit government funds, as they came in, with certain "pet" State banks instead of with the National Bank. Two Secretaries had to be removed before he found one willing to take this step; and the Senate, still controlled



**A CONTEMPORARY JACKSON PRINT.** Part of a large sheet presenting "Incidents in the life of General Jackson," published in 1840 in New York. From an original in the Collections of the Massachusetts Historical Association. The scene represents a rustic festival gathered to honor "the old hero." Girls will notice the gowns and bonnets of the belles in the foreground.

by the hold-over Whigs, passed a formal censure of the President — which his followers some months later managed to have expunged.

The "dying monster," as Jackson men called the Bank, fought savagely. Indeed it did not believe it was dying. Biddle was confident he could force a new charter through Congress over Jackson's veto. August 1, 1833, he ordered the twenty-six branch banks to call in loans and reduce their bank-note circulation, so as to make "hard times," claiming of course

that such contraction was necessary because of the loss of the government deposits. In the midst of a prosperous year, a short, sharp panic followed, manufactured heartlessly by the money power. The harvest was abundant; but the lack of the usual credit was felt cruelly in the South and West where large amounts of money were always needed at that time of year to "move" cotton and grain to Eastern markets. Interest rose from six and eight per cent to fifteen and even to twenty-four per cent; and farms and crops went for a song under the auctioneer's hammer. Delegations of business men rushed to Washington to urge Jackson to surrender.

Jackson, however, could not be moved; and soon both Congress and public opinion deserted the Bank. In 1834 Biddle gave up the struggle. The Bank applied to Pennsylvania for a charter as a State Bank, and meantime returned to its old policy in loans and circulation. *Business became normal at once.*

**587.** This grisly matter might well have warned the nation that its **credit was overinflated**. The nation did not see the warning and, three years after this artificial panic, natural causes brought on a real panic like that of 1819.

Since the War of 1812, State banks had doubled in numbers and in capital and bulk of loans without enlarging the total of gold and silver on hand. Many of them, especially in the South and West, were "wild-cat" banks, weak and recklessly managed. No State had yet learned how to guard its citizens against such abuses.

Other lines of business were equally reckless. The people, especially in the South and West, bought their daily supplies "on credit" from the store; the storekeepers had bought the goods on long time from Eastern wholesalers; and these in turn had bought on credit from the factory or the foreign merchant. All this was perhaps necessary; but it encouraged extravagance. Less excusable was the universal rage to invest in land and to speculate in stocks — *on credit*, loaned largely by the unreliable State banks. And after 1834 the "pet"

banks, in which the government deposited funds, felt able to loan more freely than ever before.

The orgy of building roads and canals, too, was in full swing (§ 497). The West had failed to get much in the way of internal improvements from the Federal government; but, confident in its future, it was pushing canals and even railroads into the wilderness. Often this was done wastefully; and in any case such money was "sunk" where it could pay no interest for many years. Illinois, with half a million people and a quarter of a million of dollars for its yearly revenue, bonded itself for roads and canals to the amount of \$14,000,000.<sup>1</sup> In 1820 State debts all together were under \$13,000,000: in 1840 they were \$200,000,000, mainly owed to European capitalists who drew \$12,000,000 interest yearly from America.

**588.** Another government measure of Jackson's administration scattered more widely the infection of overinvestment. *In 1835 the national debt was paid*, and a surplus was piling up in the Treasury at the rate of \$35,000,000 a year. Taxes could not be reduced conveniently: half this income came from the tariff, and the government was pledged not to disturb that until 1842 at least (§ 584); the other half came from the public lands; and the West would not listen to any suggestion for shutting down on those sales. Accordingly, the government decided to *divide this surplus among the States*. The money then found its way, as State deposits, into State banks **and into the same round of speculation.**

To avoid constitutional scruples, this gift to the States was called a "loan without interest." Twenty-eight million dollars were distributed. Then the "panic" seized the country and before the end of 1837 the Treasury was trying to borrow money for necessary expenses. No call was ever made upon the States for a return of the "loan."

**589.** In the final year of his administration, Jackson became alarmed at the rapid sale of public lands, paid for in paper only; and his famous "**Specie Circular**" ordered United

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<sup>1</sup> Morse's *Lincoln* (I, 53 ff.) gives a quaint account of this fever.

States land offices thereafter to accept only gold and silver in payment for public lands (July, 1836). This was notice to the country that the vast bulk of its currency was dubious in value.

**590.** *Martin Van Buren*, of New York, Jackson's faithful counselor, was elected to the presidency that fall, in time to reap the whirlwind. In May, 1837, every bank in the country



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UNITED STATES TREASURY BUILDING AT WASHINGTON TO-DAY:  
SOUTH FRONT.

suspended specie payment, and great numbers closed their doors. Gold and silver went into hiding, and bank paper depreciated in fantastic and varying degrees in different parts of the country, but everywhere ruinously. Merchants failed; factories closed down; unemployed thousands faced starvation. The first Labor movement was crushed out (§ 549). Normal conditions were not restored for five years.

**591.** Van Buren saw his chance for a successful administration ruined by the disaster; but he met the situation with calm good sense. His message to Congress pointed out the real causes of the panic and the slow road back to prosperity. Meantime, for the government funds, he recommended an *Independent Treasury* (independent of all banks). In 1840 this plan was adopted, though for some years the Whigs fought desperately to revive their pet scheme of a National Bank. The government built itself great vaults at Washington and other leading cities; and until recently the National funds were handled solely in these, under the direction of the Treasury Department.

**592.** The two other great measures of Van Buren's four years were the ten-hour order (§ 551) and a **preëmption law**.

By 1830, the sale of public lands was bringing in as much money as the tariff. The revenue was not then needed; and the well-to-do classes in the Eastern States felt that the lands ought to be sold more slowly, so as, eventually, to produce more revenue when it should be more needed (§ 580). The new States stood for a different policy. They looked upon the public lands not as a source of revenue, but as a source of homes and as a means of developing the country, and were ready even to give them away, in order to encourage rapid settlement. The workingmen of the North Atlantic section (§ 549) threw their weight overwhelmingly into the same scale.

As early as 1828, before the West itself was fully aroused, the *Mechanics' Free Press* (§ 545) circulated a *memorial* for signature among its constituency, urging Congress to place "all the Public Lands, without the delay of sales, within reach of the people at large, by right of a title occupancy only," since "the present state of affairs must lead to the wealth of a few," and since "all men . . . have naturally a birth-right in the soil." And says Dr. Commons, — "The organized workingmen . . . discovered that the reason why their wages did not rise and why their strikes were ineffective was because escape from the crowded cities of the East was shut off by *land speculation*. In their conventions and papers, therefore, they demanded that the public lands should no

more be treated as a source of revenue to relieve taxpayers, but *as an instrument of social reform to raise the wages of labor.*

“And when we, in later years, refer to our wide domain and our great natural resources as reasons for high wages in this country, it is well to remember that *access to these resources was secured only by agitation and by act of legislation.* Not merely as a gift of nature, but *mainly as a demand of democracy,* have the nation’s resources contributed to the elevation of labor.” —Introduction to Vol. V of *Documentary History of American Industrial Society*.

For a while in the thirties, the West urged that each State should be *given* all the public domain within its borders. To steal the Democratic thunder, and to head off this plan, which would have destroyed all uniformity in dealing with public lands, and wiped out a powerful bond of National union, Clay advocated that all *proceeds* of public-land sales *should be distributed among the States* in proportion to their Congressional representation. His first bills failed, but, with the return of prosperity in 1841, he carried a law with three features: (1) it divided among the States (for a limited time) 90 per cent of the proceeds of the land sales; (2) it inaugurated the policy, since maintained, of *giving to each new State<sup>1</sup> a liberal amount of lands to form a State fund for internal improvements*; (3) it contained the famous provision (championed by Benton for twenty years) which gave to the whole law its name *The Preëmption Act.*

Settlers pushed on ahead of land-office sales, as squatters. Later came a public sale, wherein the land office put up each “forty” at *auction*. Speculators with Eastern money attended, eager to get choice pieces. The settler was sometimes outbid (losing the results of his labor upon the land and of his foresight in selecting it), or was compelled to pay much more than the minimum price of \$1.25 an acre, to which the frontier community felt that he was entitled. The preëmption law provided simple means by which the settler might “file upon” a piece of

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<sup>1</sup> Similar grants were provided also for those of the older States which had not already had a liberal control over the lands within their borders. This grant was in addition to the *customary grant of school lands* (§ 314, close), and followed out the principle of the original grant to Ohio for internal improvements (§ 455).

land in advance of the regular sale, and so "pre-empt" the privilege of retaining it by paying the *minimum price* when the sale came on.

**593.** Even before this law, its purpose had been commonly secured by "Settlers' Associations." With the frontier instinct for rough justice even at the expense of legal forms, the settlers had learned to band themselves together to maintain "squatters' rights" at these government sales.

The procedure was sometimes dramatic. The Association "Captain" sat on the rude platform beside the auctioneer, — a list of settlers' claims in hand and revolver in belt, with his stalwart associates, armed, in the company about. When a piece was put up on which a squatter had made improvements, the "Captain" spoke the word "Settled," — which was notice to outsiders that the settler must be permitted to bid it in at the minimum price without competition.

An incident of such a sale in Illinois in the thirties has been described to the writer by an eye-witness who stood, a boy, on the outskirts of the little crowd. The "Captain" was John Campbell, a black-browed Presbyterian Scot, standing six feet four. In one case an Eastern bidder failed to hear, or to respect, the gruff "Settled," and made a higher bid. With a bound from the platform, Campbell seized the offender by the waist, lifted him into the air, hurled him to the ground, and, foot on the prostrate form and cocked revolver in hand, asked significantly, — "Did we hear you speak?" Protestations of misunderstanding and earnest disclaimers followed from the frightened man. Bending forward, Campbell set him, none too gently, on his feet, admonished him solemnly, "See that it doesn't happen again"; and returned, in unruffled dignity, to the platform, where the government official had been quietly waiting. The land was then knocked down to the squatter at the minimum price, and the sale proceeded decorously, to general satisfaction.

**594.** *The campaign of 1840 marks the final disappearance from American politics of all open belief in aristocracy.* The two parties rivaled each other in avowals of devotion to the will of the people; and the Whigs won because their clamor was the loudest and because the Democrats were discredited by the panic of '37.

The Whig candidate was William Henry Harrison, the

victor of Tippecanoe. An opponent referred to him contemptuously as a rude frontiersman fit only to live in a log cabin and drink hard cider. The Whigs turned this slur into effective ammunition. They had no official platform, and their candidate for Vice President, Tyler, was a States-rights Democrat who happened to be hostile to Van Buren. But they swept the country in a "Hurrah Boys" campaign for "Tippecanoe and Tyler, too,"—the chief features being immense mass meetings in the country and torchlight processions in the cities, with both sorts of entertainment centering round log cabins and barrels of cider.<sup>1</sup>

**595.** Harrison carried twenty States, to six for the Democrats, and his party secured a working majority in both Houses of Congress; but the victory was futile. Harrison died within a month of the inauguration; and **Tyler opposed his veto to the Whig measures.** Two bills to restore a United States Bank (in place of the Independent Treasury) failed in this way in August and September of 1841. Whig papers raised a bitter cry of "Judas Iscariot"; and every member of the Cabinet resigned except Daniel Webster. In like manner the veto killed two bills for an extreme protective tariff, but a third and more moderate measure received the President's approval.

**596.** The compromise of 1832 had just taken full effect, but it was now at once undone. The panic of 1837 had depleted the treasury; and, aided by the cry for revenue, **the protective "Tariff of 1842"** was enacted, raising the rates to about the level of 1832.

The Whigs certainly had a "mandate" from the country for the change. "Protection" was the one *principle* that they had stood for in the campaign. Curiously enough, the ground on which they had demanded "protection" was altogether new. The old demand (1816–1832) had been aristocratic—in the interest of wealth. "Protect the manufacturers," it said, "*because they have to pay such high wages.*" The new demand,

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<sup>1</sup> The cut on p. 493 shows that the Democrats tried to steal this "thunder" for *their* leader.

formulated by Horace Greeley and advocated by him with religious fervor in his *New York Tribune*, stood for social and democratic reform — in the interest of the workers. “Protect manufactures,” it said, “*in order that the workmen may continue to get high wages.*”

Greeley continued to preach this doctrine for more than thirty years; and during all that time his paper was the most influential publication in America. Almost at once, however, the contest over slavery drew public attention away from other problems; and this new argument for protective tariffs was not duly sifted until a much later time.

**597. Tariff history, down to the Civil War,** is conveniently disposed of here in a few words. The Democrats came back to power at the next election (§ 678), and enacted the “*Walker revenue tariff*” of 1846. Imports such as coffees and teas and other articles of common use, *not produced in the United States*, were taxed very high, while manufactures *previously protected* (iron, wool, etc.) were taxed only thirty per cent. The measure was called a free-trade tariff, but it afforded a moderate degree of protection, besides nearly doubling the revenue. In 1857 rates were reduced materially for a time, to a real “tariff for revenue” basis.

**598.** Webster kept his unpleasant position as Secretary of State under Tyler (§ 595) in order to complete an important negotiation with England. Soon after the settlement of the dispute regarding the St. Croix River (§ 406), another difference of opinion had arisen regarding the northern boundary of Maine farther to the west. England claimed one line, and the United States another, from different interpretations of the words of the Treaty of 1783. The King of the Netherlands, to whom as arbitrator the contention was submitted, exceeded his province by drawing a *compromise line without reference to the merits* of the question; and the United States refused to accept the award. In 1842 the question was settled by the **Webster-Ashburton Treaty**, which gave each country about half the disputed territory.

Two striking democratic episodes in single States belong to this period (§§ 599, 600).

**599.** The land near the Hudson had belonged originally to large proprietors known as *patroons* (§ 169), and the modern holders still paid an annual "quit rent" of ten or twenty cents an acre to the descendants of the patroons. In 1839 a violent public agitation against the payment of such rents came to a head in a series of **anti-rent riots**. Sheriffs and some rent payers were killed; popular sympathy was with the agitation; and the landlords finally gave up their claims in return for a small lump sum from the State of New York.

**600.** In Rhode Island in the latter part of the colonial period, the franchise had become the narrowest, perhaps, in any colony. No man could vote *unless he owned real estate worth \$134*, or unless he were the oldest son of such a man. Moreover, the smallest town had as much weight in the legislature as the capital city—which contained about a third of the whole population. For sixty years after the Revolution, these abuses continued. The people had long clamored for reform, but the close oligarchy paid no attention to the cry. In 1841, unable to get action through the oligarchic legislature, a People's party arranged, *without legislative approval*, for the election of a constitutional convention by *manhood suffrage*. The great mass of the citizens took part in choosing the convention; and its new constitution was duly ratified by a popular vote. Then the people chose *Thomas Wilson Dorr*, their leader in this revolution, for governor under the new constitution. The old "charter government" refused to surrender possession of the government, *and was supported by President Tyler, with the promise of Federal troops*. The revolutionary government then vanished, and Dorr was tried for treason, and condemned to imprisonment for life at hard labor. The democratic uprising is known as **Dorr's Rebellion**.

The oligarchic "charter government" saw, however, that it must give way, but it sought, successfully, to save something from the wreck. It called a constitutional convention, while

hundreds of democratic leaders were in jail under martial law sentences; and though its new constitution (1842) provided for manhood suffrage for native Americans, the landed qualification for naturalized citizens was maintained (until 1882), along with the "rotten borough" basis for the upper House of the legislature, and with the appointment of *local* officers by that House. The first legislature of the new government set Dorr free by special act, — not by the usual form of pardon; but this martyr to the cause of constitutional freedom died some years later from disease contracted in his unwholesome prison life.

EXERCISE. — Review (1) the tariff from 1789 to 1857; (2) public land policy; (3) the franchise; (4) the Labor movement; and make a brief for each topic. List important events of each administration, through Van Buren's. If you had been a voter in 1840, with which party would you have voted? Trace the rise and fall of political parties from 1789 to 1840.

## PART X

### SLAVERY

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#### CHAPTER LII

##### SLAVERY TO 1844

*In 1844 the Slave Power began to demand more territory; and, for the next twenty years, slavery was the dominant question in American politics. This chapter is an introduction to that story.*

**601. The Revolution**, with its emphasis upon human rights, created the first antislavery movement.<sup>1</sup> This movement lasted until about 1820, though it spent its greatest force before 1800. It was *moral and religious*, rather than political, belonging to the South quite as much as to the North; and it was considerate of the slaveholder's difficulties. On their part, the slaveholders during this period (outside Georgia and South Carolina) *apologized for slavery* as an evil they would be glad to get rid of *safely*.

**602. Slavery seemed dying.** Vermont's constitution of 1777 abolished slavery, as did that of Massachusetts, indirectly, in 1780 (§ 262) and that of New Hampshire in 1783. By law, Pennsylvania decreed freedom for all children born to slave parents in her territory after 1780; and this sort of *gradual emancipation* was adopted in Connecticut and Rhode Island in 1784, in New York in 1799, and in New Jersey in 1804.

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<sup>1</sup> So, too, Revolutionary France abolished slavery in her West Indies in 1794, as did the Spanish-American States, without exception, as they won their independence after 1815 (§ 464).

In the Southern States, too, many leaders urged gradual emancipation *with provision for removing the Negroes*. This sentiment created the *American Colonization Society*, which established the Negro Republic of Liberia on the African coast as a home for ex-slaves. The Society proved unable, however, to send Negroes to Africa as rapidly as they were born in America.

After 1804, no slave could be born north of Mason and Dixon's line; but nearly all the "free States" continued to contain slaves born before "gradual emancipation" began. The census of 1830 showed some 2700 in the North; and as late as 1850 New Jersey counted 236. So, too, all the States of the Old Northwest, except Michigan, contained some slaves in 1840,—survivors of those owned by the original French settlers. The antislavery provision in the Northwest Ordinance was interpreted, *in practice*, not to free existing slaves, but merely to forbid the introduction of new ones.

*If slavery was to die, two things were essential; new slaves must not be imported from abroad, and slavery must not spread into new territory.*

**603.** Between 1776 and 1781, the foreign slave trade was prohibited by every State except South Carolina and Georgia. In deference to the demand of these two States, the Constitution permitted the importation of slaves for a limited time (§ 351); but as soon as the twenty-year period had expired, the trade was prohibited by Congress.

After 1807, England kept a naval patrol on the African coast to intercept "slavers," who were regarded as pirates by most European nations. Unhappily, England's invitations to the United States to join in this good work, in 1817 and 1824, were rejected by our Government. The War of 1812 had made us exceedingly sensitive regarding the "right of search," and we now refused to permit an English ship to search a vessel flying the American flag, even to ascertain whether that flag covered an American ship. Consequently our flag was used by slavers of all nations (especially, it must be confessed, of our own), engaged in the horrible and lucrative business of stealing Negroes in Africa to sell in Brazil or Cuba, or, after running our ineffective patrol, in the cities of South Carolina, where little disguise was made of the defiance of the Federal law. In 1842, in

the Ashburton Treaty (§ 598), the United States joined England in an agreement to keep a *joint squadron* off the coast of Africa to suppress the trade; but we never took our proper share in this work until after the opening of the Civil War. Between 1850 and 1860, the trade grew rapidly, and hundreds of thousands of Negroes fresh from the African jungle were auctioned off in Southern markets.

**604.** Three great attempts to prevent slavery from spreading into the national domain have been treated (§§ 312, 313, 515). It was extended, however, into the old Southwest Territory and into the southern parts of the Louisiana Purchase.

Congress vacillated. It established slavery in the District of Columbia,<sup>1</sup> and it passed the infamous Fugitive Slave Act of 1793; but it resisted many attempts by the people of Indiana and Illinois to secure the repeal of the antislavery provision of the Northwest Ordinance.

Then, to draw settlers from south of the Ohio, and to supply the labor so much needed in all new countries, the people of early Indiana and Illinois tried *evasion* of the Federal law. Thousands of slaves were brought into the two Territories *under forms of indenture or of "labor contracts"*; and Territorial "Black laws" were enacted to sanction this disguised slavery. Says McMaster (*History*, V, 188): "To all intents and purposes, slavery was as much a domestic institution of Illinois in 1820 as of Kentucky."

**605.** The ten years from the Missouri Compromise to the election of Jackson (1820-1829) form a transition period. Slavery was still defended as an evil, *but as an evil inevitable and permanent*. Its defenders still stood on the defensive, but they were less apologetic in tone.

*This new attitude was due to a moneyed interest. Slavery was growing more profitable.* The increased efficiency of slave labor

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<sup>1</sup> Congress reënacted the slave code of Virginia and Maryland for that District. Accordingly, under the shadow of the Capitol, a strange Negro might be arrested and advertised on the *suspicion* of being an escaped slave; and if no owner appeared to prove that suspicion, *he might still be sold into slavery* to satisfy the jailer's fees. This, however, had been a recent practice in Northern States for white vagrants (§ 202).

because of the cotton gin (§ 436) raised the value of a field hand from \$200 in 1790 to \$1000 in 1840. The Border States, where slavery had never been particularly profitable, found that they could raise and sell slaves at high prices to more Southern communities. Moreover, the admission of Louisiana as a slave State, together with the extension of slavery into the rest of the Southwest, made its overthrow seem less possible.

The struggle over the Missouri Compromise (§ 515) was the first great indication of this changing attitude. The measure was distinctly Southern. It won Missouri and Arkansas to slavery; *and this extension was favored by Clay, Madison, and the aged Jefferson!* Not a Southern congressman voted for a "free" Missouri; while only fifteen Northerners voted against the restriction on slavery—and only three of these secured reelection.

**606.** Ten or twelve years later, the **Slave Power** had become **aggressive**. It advocated slavery thereafter *as a good, economic and moral*, for both slave and master, and as the only corner stone for the highest type of civilization. In consequence, the Negro was represented as animal rather than human, and wholly unfit for freedom. Calhoun devoted the remaining years of his life to advocating these views.

**607.** By 1830, slavery had taken on somewhat darker phases than were common in the earlier period. In Virginia and the Border States it continued, on the whole, humane and semi-patriarchal, except for the distressing sale of parts of a slave family. But the plantation type of slavery, formerly characteristic mainly of Carolina or Georgia rice swamps (§ 204), had now been extended over vast cotton areas in all the "Lower South."

Even in that district, of course, the house servants were petted and gently cared for, as a rule; and often between masters and slaves there was warm affection. On most plantations, too, where the owner's family resided, master and mistress felt a high sense of duty to their helpless "charges," even

of the field-hand class.<sup>1</sup> *But the majority of plantations were managed by overseers*, drawn from the lower strata of the Whites, brutalized by irresponsible and despotic power,<sup>2</sup> and forced to be hard taskmasters by the system under which they lived. The overseer's reputation as a valuable man depended solely upon the number of bales of cotton he could turn out; and he was tempted increasingly to drive harder and more mercilessly.

It was the general belief, too, that the Negro would work only under the lash or the fear of it; and it was a common thing for the overseer to furnish long whips to the "drivers" (taken usually from the more brutal slaves), who stalked up and down between the rows of workers. In the extreme South, it was not unheard of for a master himself to avow the economic policy of working to death his gang of slaves every seven years or so, in favor of a new supply. In general, however, critical observers had to confess that the same motives which secure reasonable treatment for a teamster's horses kept the slave in good condition.

Among the worst direct evils of the system was the ruin to family life. The better sort of Whites tried to keep slave families together; but legislation did not compel this decency, and, in practice, the division of families was exceedingly common. Indeed, the southern branches of the Protestant churches, by formal resolution, recognized the separate sale of a husband or wife as a true "divorce," and permitted "remar-

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<sup>1</sup>James B. Angell, in an address in 1910, recounting reminiscences of a horseback journey through the South in 1850, gave a forceful illustration. On a certain Carolina plantation, in the evening, the hostess had warmly denounced Northern antislavery agitation. In the early morning from his window, he chanced to see her returning from the group of Negro cabins, where, he learned, she had spent the later hours of the night in nursing a dying Negro baby.

<sup>2</sup>State laws forbade murdering a slave at the whipping-post; but a loophole was usually provided by some clause pronouncing the owner or overseer guiltless if a slave "died" as the result of only "moderate correction." In any case, a Negro's testimony could not be taken against a White man, and often the merciless overseer was the only White present at his crimes.

riage" on such ground. In consequence of this condition, sex relations remained horribly degraded and confused.

On the other hand, the South pointed to the pitiful condition of the mass of White labor in Northern factories, and argued eagerly that the slave was no worse off. Said *DeBow's Review*, the leading Southern periodical,—"Where a man is compelled to labor at the will of another, and to give him much the greater portion of the product of his labor, there Slavery exists; and it is immaterial by what sort of compulsion the will of the laborer be subdued. *It is what no human being would do without some sort of compulsion*—if not blows, then torture to his will by fear of starvation for himself or his family."

608. The new aggressive attitude of the Slave Power was caused in some degree by the appearance of new aggressive antislavery workers, known as **Abolitionists**, who cried out for *immediate and complete* destruction of slavery. For some years before 1830, *Benjamin Lundy* had published at Baltimore *The Genius of Universal Emancipation*, devoted to this teaching. In 1828 Lundy found a greater disciple in one of his assistant printers, *William Lloyd Garrison*. Young, poor, friendless, in 1831 Garrison began in Boston the publication of the *Liberator*; and the first number (printed on paper secured with difficulty on credit, and set up wholly by Garrison's own hand) carried at its head a declaration of war:—

"Let Southern oppressors tremble . . . I shall strenuously contend for immediate enfranchisement . . . I will be as harsh as truth and as uncompromising as justice . . . I do not wish to think, or speak, or write, with moderation . . . I am in earnest—I will not equivocate—I will not retreat a single inch—AND I WILL BE HEARD."

To the end, this remained the keynote of the Garrisonian Abolitionists. They sought to arouse the moral sense of the North against slavery as a wrong to human nature. For long years their vehemence made them social outcasts, even when they were not in danger of physical violence. Among the group were *Wendell Phillips*, a youth of high social position and opportunity, who forsook his career to become the hated

and despised orator of the Abolition cause; Whittier, the gentle Quaker poet, whose verse rang like a bugle call; Theodore Parker, a Unitarian minister of Boston, "the



STATUE OF WENDELL PHILLIPS in the  
Boston Public Garden.

terrible pastor of Abolition"; and, at a later time, James Russell Lowell, whose scathing satire in the *Biglow Papers* struck most effective blows for freedom, and whose established position helped to make Abolitionism "respectable."

Of this body of agitators, Garrison remained the most extreme. He could see no part of the slaveholder's side, and he dealt only in stern denunciation of all opponents — and even of moderate supporters. He and his group

had no *direct* influence upon political action against slavery. Many of them disclaimed desire for any such influence. Garrison once burned in public a copy of the Constitution, defaming it as "a Covenant with Death and an agreement with Hell"; and the only political action advocated by him for Northern men was secession by the free States.<sup>1</sup>

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<sup>1</sup> So, too, Lowell's "Hosea Biglow" exclaims:—

"Ef I'd *my* way, I hed ruther  
We should go to work an' part, —  
They take one way, we take t'other, —  
Guess it wouldn't break *my* heart.  
*Men hed ought to* put asunder  
Them that God has noways jined ;  
An' I shouldn't gretly wonder  
Ef there's thousands of *my* mind."

**609.** A more moderate group of Abolitionists contained such men as William Ellery Channing, James Freeman Clark, Thomas Wentworth Higginson, and Samuel J. May (Unitarian ministers), Emerson, Longfellow, Gerrit Smith, William Jay, and the aged Gallatin. For Channing's logical but temperate indictment of slavery, Garrison, however, had only abuse. On the moderate side, Emerson at first condemned the Garrisonian extremists with unaccustomed harshness; but later he said that "they might be wrong-headed, but they were wrong-headed in the right direction."

Other foes of slavery, like Lincoln, rejected the name Abolitionist, altogether, and believed that the Garrisonian group harmed more than they helped. Such a charge is always made against extreme reformers. Garrison and his friends did rouse bitter antagonism and make their opponents more aggressive: *but they achieved their purpose by being "heard."* The nation would have been glad to forget the wrongs of slavery: these men made that impossible — sometimes by exaggerating and misrepresenting those wrongs — and they trusted to the moral sense of the people to do the rest. They made slavery a topic of discussion at every Northern fireside, — *and slavery could not stand discussion.*

**610.** A slaveholding community lives always over a sleeping volcano. The unspoken dread of all southern Whites was a possible slave insurrection, with its unimaginable horrors. Earlier in the century, two plots had been discovered, by fortunate accidents, just in time to avert terrible disaster. Then, in 1831, came *Nat Turner's rising*.

Turner was a Negro preacher and slave in Virginia. The plot so far miscarried that only a handful of slaves took part; but sixty Whites, including several children, were ferociously massacred, and, before order was restored, a hundred Negroes (five times the number in the rising) were shot, hanged, tortured, or burned. The South was thrown into a frenzy of terror and rage. Excited opinion charged that the rising was due directly to inflammatory articles in Garrison's *Liberator*.

Southern States enacted stricter laws against the education and freedom of movement of slaves, and even of free Negroes, and the *legislature of Georgia offered a reward of \$5000 to any kidnaper who should bring Garrison to that State for trial* under her laws against inciting servile insurrection.

**611. The Slave Power now attacked the rights of White men.** After 1831 the former freedom of discussion about slavery vanished south of Mason and Dixon's Line. Antislavery societies dissolved; antislavery meetings could no longer find halls or audiences; antislavery publications were forced out. In many cases these ends were secured by mob violence.

In 1835 *James G. Birney*, a Kentuckian who had long worked valiantly against slavery in Alabama and in his native State, was driven to move his antislavery paper across the Ohio to Cincinnati. Even there, his office was sacked, and his life sought, by a bloodthirsty proslavery mob, largely from Kentucky, while respectable Cincinnati citizens merely advised him to seek safety in silence.

This was in 1836. The year before, a Boston mob, "in broad-cloth and silk hats," had broken up one of Garrison's meetings, gutted his printing office, and dragged Garrison himself through the streets by a rope around his body—until he was rescued and protected by the mayor *by being jailed!* And in Alton, Illinois, the year after (1837), mobs twice sacked the office of *Elijah Lovejoy*, an Abolitionist editor, and finally murdered Lovejoy, when he tried to defend his property from a third assault.

A free press was the particular object of attack; and for many years practically every Abolitionist paper in cities large or small ran danger of such destruction. Scores of cases might be given. In the little frontier village of St. Cloud, Minnesota, a proslavery mob sacked the printing office of Mrs. Jane G. Swisshelm, and threw her press into the Mississippi.

There was this difference in the matter, however, between North and South. In the South, discussion was absolutely strangled. In the North, Lovejoy was the only martyr to suffer

death; and resolute men and women found it possible to continue the discussion, and eventually to win a hearing.<sup>1</sup>

Respectable people and large property interests showed a curious cowardice in these conflicts. Alton, in a measure, was dependent upon trade from the Missouri side of the Mississippi. Cincinnati's prosperity, in like fashion, was supposed to depend upon Kentucky trade. In both towns the cry arose that antislavery publications alienated the Slave State visitors and customers, and "hurt business"; and, before this direful threat, mayors, ministers, bankers, and every newspaper in both cities were whipped into submission.

**612.** These mob attacks upon free speech were ominous to all men who really cared for their own rights, and they summoned to the antislavery cause many who had never been moved by wrong to the Negro. Still more significant were demands by the South that the National government and the Northern States should *by law* stifle discussion.

In 1835, in response to vehement appeals from Southern legislatures, President Jackson recommended Congress to pass laws that would exclude "incendiary publications" from the mails. "But," cried antislavery men — and many others never before so counted — "*Who* is to judge what is incendiary? On such a *charge*, the Bible or the Constitution *might* be excluded." And after a sharp struggle, the bill failed to pass.

**613.** Then followed an even more arrogant attempt to destroy the ancient right of petition. Since 1820, petitions had poured upon Congress in ever increasing bulk for the abolition of slavery in the District of Columbia. In the ordinary course, such a petition was referred to an appropriate committee, and if ever reported upon, it was rejected. But in 1836, the sensitive Southern members secured a "gag resolution" which each new Congress for eight years incorporated in its standing rules, — so that all petitions concerning slavery should be "laid on the table" *without being discussed* or printed or read.

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<sup>1</sup> At St. Cloud, a mass meeting, excited not in behalf of Abolitionism, but by the attack upon free speech, promptly subscribed money to replace the press, — no small thing in a petty frontier village of workingmen.

The Slave Power thought exultantly that it had choked off discussion. Instead, it had merely identified the antislavery movement with a traditional right of the English-speaking people. The "Old Man Eloquent," John Quincy Adams, now Representative from a Massachusetts district and formerly indifferent to slavery, crowned his long public life with its chief glory by standing forth as the unconquerable champion of the right of petition,—which, he insisted, meant that his constituents and others had not merely the right to send petitions to the Congressional waste-paper basket, but the right to have their petitions read and considered. Tireless, skillful, indomitable, unruffled by tirades of abuse, quick to take advantage of all parliamentary openings, Adams wore out his opponents and roused the country; and in 1844 the gag rule was abandoned.

**614.** Thus while Garrisonian Abolitionists were trying to persuade the North that slavery was a moral wrong to the Negro, the folly of the Slave Power called into being a new Abolitionist party which thought of slavery first and foremost as *dangerous to Northern rights*. This party went into politics to *limit* slavery by all constitutional means in the hope of sometime *ending* it. The "political Abolitionists" were strongest in the Middle and North Central States; and among their leading representatives were *Birney* and the young lawyer, *Salmon P. Chase*.

"Like thousands of other antislavery men . . . Chase was aroused, not by the wrongs of the slave, but by the dangers to free White men. He did not hear the cries of the Covington whipping post across the river [the Ohio], but he could not mistake the shouts of the mob which destroyed Birney's property and sought his life; and his earliest act as an antislavery man was to stand for the everyday right of a fellow resident of Cincinnati to express his mind." Hart, *Salmon P. Chase*, 48.

## CHAPTER LIII

### SLAVERY AND EXPANSION

**615.** IN 1825, Mexico became independent of Spain (§ 504) and decreed gradual emancipation of all slaves. In 1835, Santa Anna made himself dictator of the country. **Texas** was one of the States of Mexico. Its settlers were mainly from the South-western States of our Union. They held slaves, and until Santa Anna's usurpation, they had had a large amount of self-government. Now they seceded from Mexico, **organized an independent state, with slavery**, and chose for their president "Sam" Houston, a famous Indian fighter and an old friend of Andrew Jackson.

A Mexican army "invaded" Texas, captured a small Texan garrison in the *Alamo* (a fortified Mission), after a gallant resistance, and massacred every prisoner. April 21, 1836, it met the main body of Texan frontiersmen under Houston at *San Jacinto*. The Texans charged six times their number with the vengeful cry, "Remember the Alamo," and won a complete victory. The independence of Texas was promptly recognized by the United States. Mexico, however, did not give up her claims.

**616.** The Texans hoped to be annexed to the United States. Indeed, many of them had gone to the country years before with that express plan—as other Americans still earlier had gone into West Florida (§ 464). War between the United States and the proud and sensitive Mexicans would almost certainly follow; but our *South*, too, clamored for the annexation. Texas was an immense territory, and was expected to make at least five slave States. The *West*, also, was eager for more territory, and had few scruples against fighting Mexico to get it; but in the *Northwest* there was some opposition to extending the area of slavery. *New England* opposed annexation fiercely.

In 1844 President Tyler negotiated with Texas an annexation treaty, but the Whig Senate rejected it by a decisive vote. Shortly before, John Quincy Adams and twenty-one other Northern members of Congress had united in a letter to their constituents advising New England to secede from the Union if Tyler's "nefarious" scheme went through. (§ Cf. 608.) On the other side, "fire-eating" Southerners were shouting, "Texas or disunion!"

**617. The Slave Power** now raised the cry that England would get Texas if we did not, and it **played artfully on the sentiment for expansion**. Calhoun warned the slave States of the Southwest that England was trying to persuade Texas to abolish slavery; and *the Northwest was won over by the shrewd device of combining with the demand for Texas a demand for "all of Oregon."*

Oregon was a vast territory bounded by the 42nd parallel on the South (§ 503) and by the line of 54°, 40' on the North (§ 505). The agreement with England for "joint occupation" was still in force (§ 503); but of late thousands of emigrants had been setting forth from Missouri with the boast that they would secure and hold the country for the United States. Twice England had proposed a division of the region; but the plan had been rejected by our government.

In the spring of 1844, Clay and Van Buren were the leading candidates for the Whig and Democratic nominations for the presidency. On April 20 they each gave out a public letter on political issues, and both advised against agitation for expansion. The country exclaimed that the two leaders were trying in secret conjunction to say what the people should not do. The Whigs, with some hesitation, submitted, and nominated Clay. The Democrats revolted. Three Southern States that had instructed delegates for Van Buren called new conventions and revoked the instructions. The Democratic National Convention nominated James K. Polk, and the platform declared for "the *Reoccupation* of Oregon and the *Reannexation* of Texas." In the Northwest, Democratic stump orators at once added the slogan "Fifty-four forty or fight." This war cry

was sounded jubilantly in every Democratic meeting in the campaign. Some Western leaders did not hesitate to promise that their party would also get California and Canada for the United States, and hinted even at Mexico and Central America.

**618.** The political Abolitionists (§ 614), under the name of the *Liberty party*, nominated Birney, and drew enough antislavery votes from the Whigs in New York to give that close State, and the election, to Polk. Tyler and Congress accepted this result as a verdict for annexation; and on the last day of the old administration a "joint resolution" of the two Houses of Congress **made Texas one of the States of the Union** (March 3, 1845). Texas, however, never consented to be divided, and so the Slave Power gained less power in the Senate than it had planned.

**619.** Polk's inaugural indicated the intention to take all of Oregon, even at the cost of war with England. Such Western supporters as Stephen A. Douglas of Illinois and Lewis Cass of Michigan seemed ready for that result. Calhoun and other Southern leaders, however, feared that war with England might end in loss of Texas; Webster, powerful in the Senate, stood for compromise, as did also some enthusiastic Western expansionists like Benton; England renewed her sensible offer to divide Oregon, by extending the boundary line of the 49th parallel (already adopted east of the mountains) through the disputed district to the Pacific; and a treaty to this effect was ratified by our Senate. The dividing line was practically identical with the Northern watershed of the Columbia; and it gave us all that we could claim on the basis of "occupation," leaving to England that half of the district which Englishmen had "occupied." The Northwest, however, claimed bitterly that its interests had been betrayed by the President, and that he had surrendered to England's power in order the better to prey on Mexico's weakness.

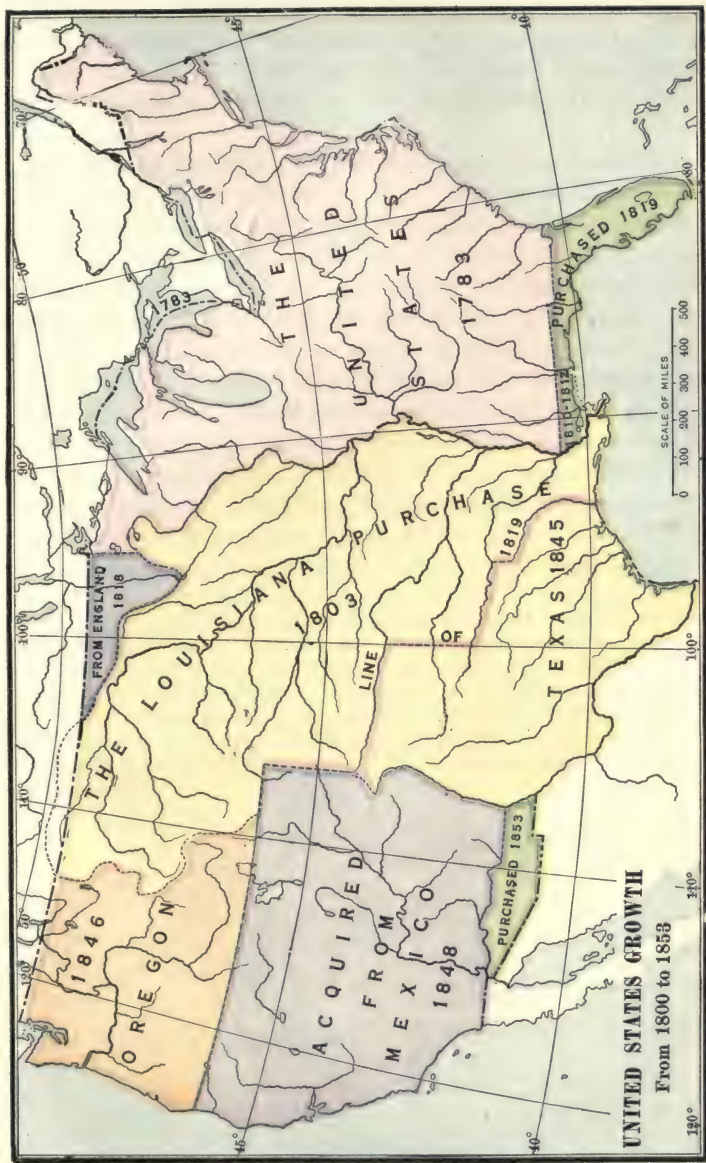
**620.** Polk wanted California also, to which we had no claim whatever. He tried to buy, but could not bully Mexico into selling the coveted district. But other means remained.

Texas extended without question to the Nueces River. Not content with that southern boundary, she *claimed* to the Rio Grande—on grounds at least questionable. For the United States to back up this claim was to make war with Mexico certain. General Zachary Taylor, in command of American troops in Texas, was ordered to remove to the Rio Grande, where his position threatened a Mexican city across the river. The Mexicans demanded a withdrawal. Taylor refused, was attacked, won a victory, and crossed the river. Polk announced to Congress (May 11, 1846), "War exists, and, *notwithstanding all our efforts to avoid it*, exists by the act of Mexico!" **Congress** accepted the pretext and **adopted the war**.

**621.** Abolitionists again talked secession. But, outside New England, the unjust war was popular. Certainly it was waged brilliantly. General Taylor invaded from the north, and General Winfield Scott advanced from the Gulf. The Mexicans were both brave and subtle; but American armies won amazing victories over larger entrenched forces, and the contest closed with the spectacular storming of the fortified heights of Chapultepec and the capture of the City of Mexico (September 15, 1847).

**622.** At the outbreak of the war American troops had been dispatched to seize California and New Mexico (territory which included, besides the modern States of those names, most of the present Arizona, Nevada, Utah, and parts of Colorado and Wyoming). In the treaty of peace, after ceding Texas as far as the Rio Grande, Mexico was forced to accept \$15,000,000 for this other territory. Members of the President's Cabinet wanted to take all of Mexico; Buchanan, Secretary of State, publicly declared, "Destiny beckons us to hold and civilize Mexico"; and the press boasted confidently that the American flag in the City of Mexico would never be hauled down. But Polk wisely insisted upon a more moderate policy, and took (and paid for) only what he had offered to buy before he began the war.

**623.** A misunderstanding soon arose as to some forty-five thousand square miles of the "Mexican cession," just south of





the Gila; and Mexico threatened to fight again rather than surrender her claim. Finally, in 1853, the United States secured full title by paying ten million dollars more, through our agent, Gadsden.

**This Gadsden Purchase** was the last expansion of our territory before the overthrow of slavery; but it was not the last *attempt* by the Slave Power. Southern politicians had long looked with covetous desire at Cuba. Polk offered Spain a hundred million dollars for the island, but was refused. Then, about 1854, Southern leaders were ready for a more extreme program, and began frankly to advocate the seizure of Cuba by force.<sup>1</sup> This piratical doctrine was set forth with particular emphasis in that year in the famous *Ostend Manifesto*, a document published in Europe by a group of leading American diplomatic representatives there, with James Buchanan among them. When Buchanan became President (1857), he renewed the attempts to buy Cuba and to secure slave territory in Central America. These sinister efforts ceased only when the Civil War began.

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<sup>1</sup> In 1851 the Lopez "filibusters," five hundred strong, sailed from New Orleans to invade Cuba. This, and other like attempts upon Central America, may well be studied by individual students, and presented in special reports. It is to be kept in mind that whatever the motives of the statesmen at Washington, the filibusters themselves, and the Southern people back of them, were impelled largely by the ancient land hunger and spirit of conquest and adventure which had brought their ancestors to Virginia and had sent their brothers to Texas.

## CHAPTER LIV

### THE STRUGGLE TO CONTROL THE NEW TERRITORY

**624.** Population increased in the decade 1840-1850 from seventeen to twenty-three millions. Immigration from Europe now took on large proportions. Until 1845, no one year had brought 100,000 immigrants (§ 486). That year brought 114,000; 1847 (during the Irish famine) brought 235,000; and 1849 (after the European "year of revolution"<sup>1</sup>) brought almost 300,000. This tremendous current, once started, continued unabated to the Civil War. It still came almost wholly from the northern European countries, and was composed mainly of sturdy laboring men, who naturally avoided the South with its slave labor.

Florida became a State in 1845; but Slavery's gain in the Senate through the addition of that State and of Texas was balanced by the admission of Iowa (1846) and Wisconsin (1848). In the lower House of Congress the free States had nearly a half more members than the Slave States. *This situation gave especial importance to the question whether slavery or freedom should control the new territory acquired from Mexico.* All that territory, except Texas, had been "free" territory under Mexican law. But in the Northwest were looming up a band of future "free" commonwealths, from Minnesota to Oregon, while outside this Mexican cession there was no chance for more Slave States.

**625.** As soon as war began, the President had asked Congress for a grant of two million dollars to enable him to negotiate to advantage. It was understood that this money was to be used as a first payment in satisfying Mexico for territory to be taken from her. To this "Two-Million-Dollar Bill" in the House of Representatives, David Wilmot, a Pennsylvania Democrat, se-

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<sup>1</sup> Cf. *Modern World*, § 711. The German fugitives, after the failure of their gallant attempt at revolution, made a notable addition to the forces of Liberty in America. Among them were Carl Schurz and Franz Sigel.

cured an amendment providing that *slavery should never exist in any territory* (outside Texas) *to be so acquired*. Northwestern Democrats voted almost solidly for this **Wilmot Proviso**, partly from real reluctance to see slavery extended, partly to punish Polk and the Slave Power for "betraying" the Northwest in the Oregon matter.

The session expired (August, 1846) before a vote was reached in the Senate. In the next session the Proviso again passed the lower House, but was voted down in the Senate, where the Slave Power had now rallied. Then (February, 1848) Calhoun presented the Southern program in a set of resolutions affirming that, since the territories were the *common* domain of all the States, Congress had no constitutional power to forbid the people of any part of the Union, *with their property*, from seeking homes in that domain. This meant, of course, the right of Southerners to carry their slaves — *and slave law* — into any "Territory." Then, said the South, when the time for Statehood arrives, let the inhabitants of each Territory decide the matter of slavery or freedom for themselves.

This was the doctrine to be known later as "*squatter sovereignty*" or "popular sovereignty." It appealed shrewdly to a liking for fair play, in claiming that the South "simply asked not to be denied equal rights . . . in the *common* public domain." Even more powerfully it appealed to the democratic instincts of the West, claiming merely to turn the whole question over to the people most interested.

**626.** Some Northern congressmen now deserted the Wilmot Proviso in favor of "non-intervention by Congress," while others favored extending the old line of the Missouri Compromise to the Pacific. Finally, the country went into the presidential election of 1848 without having settled any civil government for the vast area recently acquired.

This neglect was serious. New Mexico and California were seats of ancient Spanish settlement at such centers as Santa Fé and the various Missions near San Francisco; and the sensitive and highly civilized population resented military government by the American conquerors.

Moreover, in January, 1848, just before the cession by Mexico, gold was discovered in California at Sutter's Fort (now Sacramento). Then followed a vast and varied immigration, which needed imperatively a settled government.

**627.** The Whigs, who had won their one success with General Harrison, now repeated their tactics of 1840. They adopted no platform whatever, and nominated Zachary Taylor, of Louisiana, a slaveholder, a straightforward soldier, and the hero of the war. The Democratic platform evaded all mention of slavery and of the burning Territorial question; but the presidential candidate was Lewis Cass of Michigan, *the originator of the "popular sovereignty" plan for Territories.*

The antislavery Democrats had hoped to nominate Van Buren, who for a time had the strongest vote in the Convention.<sup>1</sup> An antislavery faction of New York Democrats ("Barnburners"<sup>2</sup>) finally seceded from the Convention and did place Van Buren in nomination. A few weeks later, he was nominated also by a new *Free Soil party*, which had absorbed the *Liberty party*. The Free Soilers recognized frankly that Congress could not interfere with slavery in the *States*, but they insisted on its prohibition in the *Territories*, with the cry, "*Free Speech, Free Labor, Free Soil, and Free Men.*" They cast 300,000 votes (five times as many as the Liberty party four years before). In most of the country, they drew mainly from the Whigs; but in New York their Barnburner allies drew from Cass just enough to give that State (and the election) to the Whigs.

**628.** Meantime, **California**, lacking even a Territorial government, grew to the stature of Statehood. Thousands of "Forty-niners," from all quarters of the globe (but mainly from the

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<sup>1</sup> Democratic National Conventions use a "two-thirds rule," in making nominations. Other parties nominate by a majority vote.

<sup>2</sup> This name, derived from a campaign story of a Dutchman who burned his barn to get rid of the rats, was applied in derision, because the faction avowed a willingness to ruin its party rather than permit slavery in the Territories. The "regular" faction of the Democratic party in New York became known as *Old Hunkers*. Party epithets were growing bitter. Cass and other Northern men who showed subserviency to the Slave Power were coming to be derided as "Doughfaces."

Northern States of the Union), rushed to the rich gold fields some around Cape Horn by ship; some by way of the Isthmus; but more by wagon train across the Plains, defying Indians and the more terrible Desert, along trails marked chiefly by the bleaching skeletons of their forerunners. And on the Pacific coast itself, whenever rumor reported that some prospector had "struck it rich," distant camps and towns were depopulated to swell the new, roaring settlement,—toward which, over mountain paths, streamed multitudes of reckless men, laden with spade, pickax, and camp utensils. In a few months, the mining region contained some eighty thousand adventurers. To maintain rude order and restrain rampant crime, the better spirits among the settlers adopted regulations and organized *Vigilance Committees* to enforce them, with power of life and death.

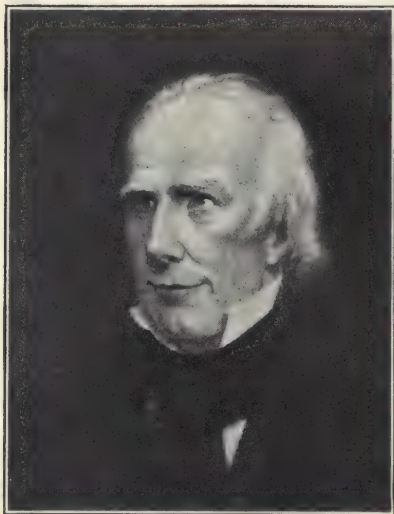
On taking office, President Taylor at once advised New Mexico and California to organize their own State governments and apply for admission to the Union. The Californians acted promptly on this suggestion, and (November, 1849) a convention *unanimously* adopted a "free State" constitution.

Taylor sought to keep faith, and urged Congress to admit the new State. The Slave Power raged at seeing the richest fruits of the Mexican War slipping from its grasp. The country was aflame. Every Northern legislature but one passed resolutions declaring that Congress ought to shut out slavery from all the new territory. In the South, public meetings and legislatures urged secession if such action were taken. Said Toombs of Georgia in Congress, "I . . . avow . . . in the presence of the living God, that if . . . you seek to drive us from California, . . . I am for disunion."

**629.** Taylor died suddenly in July, 1850, to be succeeded by Fillmore from the vice presidency. This gave a breathing spell, and **Clay came forward once more with a compromise**, aiming to reconcile the South to the loss of California by giving them their will on other disputed points. Proud of his title of "the Great Pacificator," he pled for "a union of hearts"

between North and South through mutual concession: otherwise, he feared there was little chance for the survival of the political Union which he loved.

Clay's "Omnibus" measures were supported by the new President, and finally passed in separate bills after a strenuous eight months' debate.



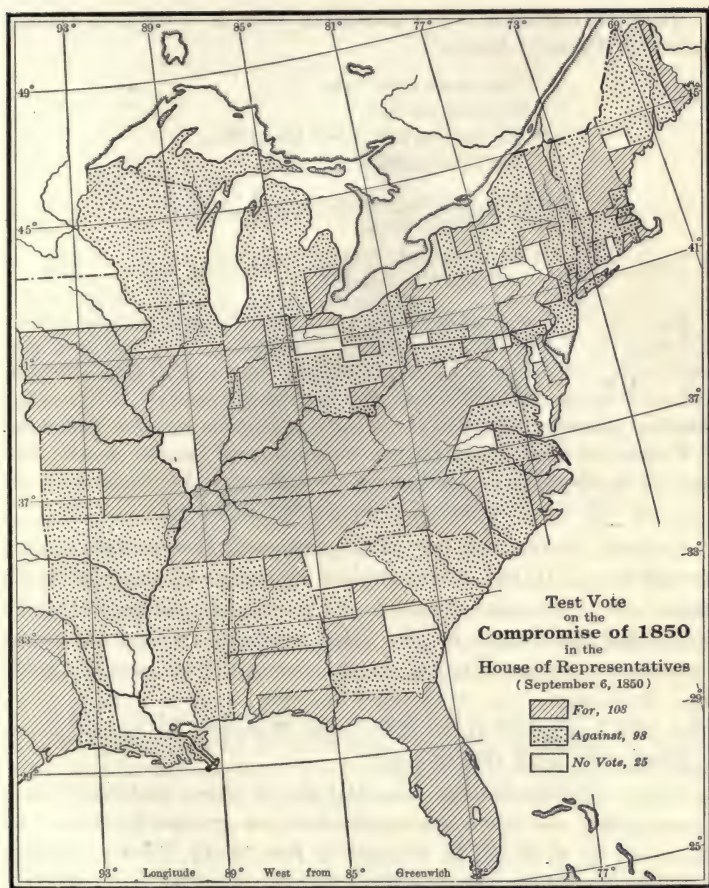
HENRY CLAY in old age. From a portrait by Peale.

They provided for: (1) the admission of the "free" California; (2) Territorial organization of New Mexico and Utah on "squatter-sovereignty" principles; (3) prohibition of the slave trade in the District of Columbia; and (4) a new and more effective Fugitive Slave Law, with all the abominations of the old one. This was the "**Compromise of 1850**," — the last compromise on slavery. *Many Southern Representatives voted No, in order that the measure, if passed at all, should be*

*passed by Northern votes* (Map opposite).

**630.** It was Webster who really secured the passage of the compromise. He had bitterly opposed the annexation of Texas and the war; but now he urged that the North owed concession to the weaker South. Moreover, slave labor, he was sure, could never be profitable in sterile New Mexico. It was not necessary to exclude it by law of Congress: it was already excluded "by the law of nature." He "would not take pains to reenact the will of God."

To-day the historical student is inclined to say that this "Seventh of March" speech was dictated by deep love for the



Union. Webster never had been optimistic in temperament. Now an old man, he did not venture to hope that there could ever be a better Union, while he even began to despair of the existing one unless the South was pacified. At the moment, however, the antislavery men of the North felt that he played a traitor's part to the cause of liberty, in order to secure Southern support for the presidency.

The finest expression of this antislavery wrath is in the stern condemnation of Whittier's *Ichabod* :—

“From those great eyes  
The soul has fled.  
When faith is lost, when honor dies,  
The man is dead.  
  
“Then, pay the reverence of old days  
To his dead fame.  
Walk backward, with averted gaze,  
And hide the shame.”

Emerson wrote with barbed insight : “Mr. Webster, perhaps, is only following the laws of his blood and constitution. . . . He is a man who lives by his memory : a man of the past ; not a man of faith and hope. *All the drops of his blood have eyes that look downward.*” And says Rhodes (*History*, I, 153) of Webster's advocacy of the Fugitive Slave Law : “Webster could see ‘an ordinance of nature’ and ‘the will of God’ written on the mountains and plateaus of New Mexico ; but he failed to see . . . the will of God implanted in the hearts of freemen.”

Calhoun, dying and despairing, opposed the compromise as insufficient. If the North wished to preserve the Union, he urged, it must concede some kind of *political equilibrium* between itself and the weaker South. His papers show that he meant to propose an amendment to the Constitution providing for two Presidents, one from each section, with a mutual veto. But like his great rivals, Clay and Webster, he passed from political life with this debate.

More significant than the attitude of these statesmen of a passing day was the appearance of a new group of antislavery men, led by William H. Seward of New York. Like Calhoun Seward opposed the compromise, but for opposite reasons. He insisted that peace between the sections could come only with the extinction of slavery. As to the Territories, said he : “The Constitution devotes the Domain to . . . liberty. . . . But there is a *higher law* than the Constitution, which devotes it to the same noble purpose.” This “Higher-Law” speech was to exert more lasting influence in our history than the speech of “the Seventh of March.”

## CHAPTER LV

### THE BREAKDOWN OF COMPROMISE

**631.** It has been fitly said that the Union was maintained from 1789 to 1820 *by the compromises in the Constitution*, and from 1820 to 1861 *by Congressional compromises*. Political leaders and the mass of the people were desperately anxious to convince themselves that the Compromise of 1850 was final. Any further discussion of slavery was severely reprobated by many Northern men. But, exclaimed James Russell Lowell, "To tell us that we ought not to agitate the question of slavery, when it is that which is forever agitating us, is like telling a man with the ague to stop shaking and he will be cured." *The Fugitive Slave Law kept men thinking about slavery.* That law was the great mistake of the Slave Power. Had the South been content to lose a few slaves who escaped into free States,<sup>1</sup> the compromise might have endured years longer.

In his "Higher Law" speech, Seward had warned the South: "You are entitled to no more stringent laws, and such laws would be useless. The cause of the inefficiency of the present statute is not at all the leniency of its provisions: it is the public sentiment of the North. . . . Your Constitution and laws convert *hospitality* to the refugee . . . *into a crime*; but all mankind except you esteem that hospitality a virtue." And Emerson called the law "a law which every one of you will break on the earliest occasion—a law which no man can obey, or abet, without loss of self-respect and forfeiture of the name of gentleman."

**632.** The law could be applied to Negroes who had been living for years in the North in supposed safety—since the breakdown of the law of 1793 (§ 384). Thousands abandoned

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<sup>1</sup> From 1830 to 1860 the number averaged not more than 1000 a year. A small insurance would have protected the owners.

their homes for hurried flight to Canada; and some were actually seized by slave hunters. More attempts to recapture fugitive slaves took place in 1851 than in all our history before. But now every seizure caused a tumult—if not a riot. Even

**PROCLAMATION!!**

TO ALL

**THE GOOD PEOPLE OF MASSACHUSETTS!**

Be it known that there are now

**THREE SLAVE-HUNTERS OR KIDNAPPERS**

IN BOSTON

Looking for their prey. One of them is called

“DAVIS.”

He is an unusually ill-looking fellow, about five feet eight inches high, wide-shouldered. He has a big mouth, black hair, and a good deal of dirty bushy hair on the lower part of his face. He has a Roman nose; one of his eyes has been knocked out. He looks like a Pirate, and knows how to be a Stealer of Men.

The next is called

**EDWARD BARRETT.**

He is about five feet six inches high, thin and lank, is apparently about thirty years old. His nose turns up a little. He has a long mouth, long thin ears, and dark eyes. His hair is dark, and he has a bunch of fur on his chin. . . . He wears his shirt collar turned down, and has a black string—not of hemp—about his neck.

The third ruffian is named

**ROBERT M. BACON, alias JOHN D. BACON.**

He is about fifty years old, five feet and a half high. He has a red, intemperate-looking face, and a retreating forehead. His hair is dark, and a little gray. He wears a black coat, mixed pants, and a purplish vest. He looks sleepy, and yet malicious.

Given at Boston, this 4th day of April, in the year of our Lord, 1851, and of the Independence of the United States the eighty-fourth.

*God save the Commonwealth of Massachusetts!*

A HANDBILL OF 1851, GIVEN IN RHODES, I, 212.

(Notice that it parodies the form of advertisements for escaped slaves.)

“proslavery” men in the North could not stand for the hunting of slaves at their own doors. Legislatures refused to United States officials the use of State jails, forbade State officers to aid in executing the law, and enacted various “*personal-liberty*

laws," to secure to any man seized as an escaped slave those rights of jury trial and legal privilege which the Federal law denied him. Some of these State laws amounted to downright Nullification.<sup>1</sup> The "*Underground Railroad*"<sup>2</sup> was extended. In several cases, *fugitives were rescued* from the officers in full day by "mobs" of such high-minded gentlemen as Thomas Wentworth Higginson, Samuel J. May, and Gerrit Smith. These men sometimes avowed their deed in the public press, and challenged prosecution; and all attempts to punish broke down, because no jury would convict. When a slave was returned, the recapture usually proved to have cost the master more than the man could be sold for.

In February, 1851, a mob of Negroes rescued a fugitive out of the hands of Federal officers in Boston and carried him in triumph through applauding streets, where, fifteen years before, Garrison had been dragged in ignominy by a White mob. And when the slave Burns was sent back to slavery, after bloody riots, and a cost to the government of \$100,000, it took 1100 soldiers and a battalion of artillery to convey him through those streets — which were all draped in mourning.

**633.** Still, in the campaign of 1852, the platforms of both the leading parties indorsed the "Compromise" emphatically,<sup>3</sup> with express reference also to the Fugitive Slave provision; and

<sup>1</sup> The Wisconsin legislative resolutions of 1859 used the words of the old Kentucky Resolutions of 1799.

<sup>2</sup> An arrangement among Abolitionists in the Border States for concealing fugitives and forwarding them to Canada. The system had its "stations," "junctions," "conductors," and so on.

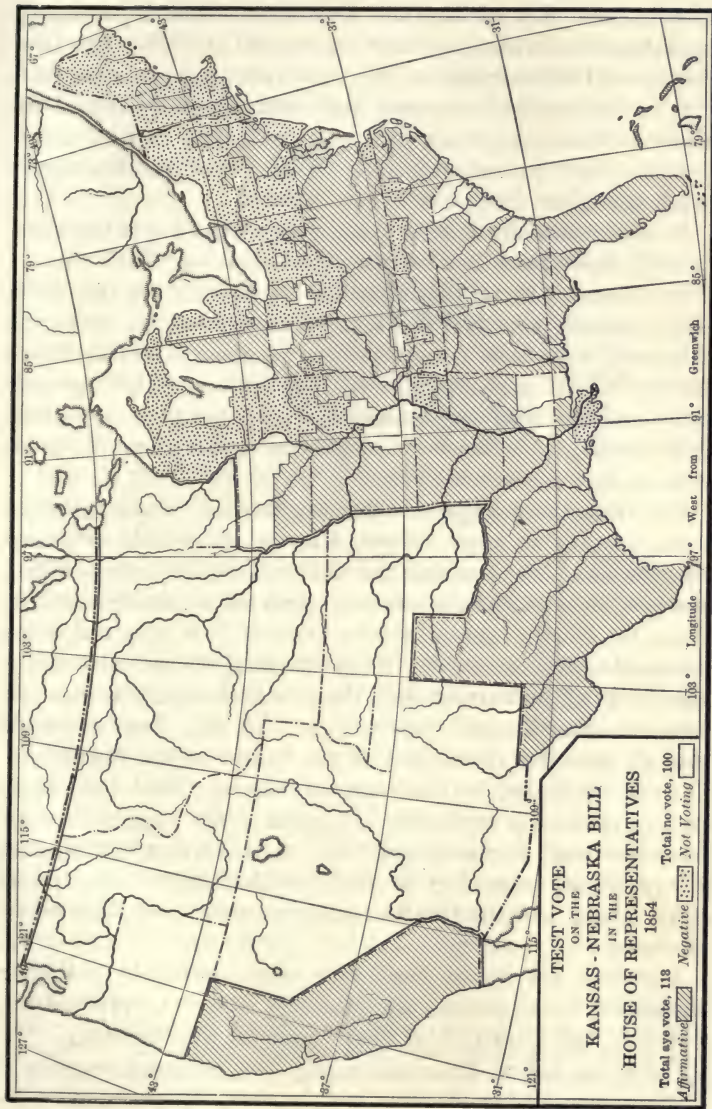
<sup>3</sup> The tendency among respectable classes at the North to cling to the Compromise was especially notable in the Eastern colleges, — where there were many students from the South. Andrew D. White says that in the Yale of the early fifties (when he was a student there), "the great majority of older professors spoke at public meetings in favor of proslavery compromises," though, "except for a few theological doctrinaires," their personal sympathies were against slavery. The two great Yale professors of the day who opposed the Fugitive Slave Law, he adds, were generally condemned for 'hurting Yale,' and driving away Southern students. White is a distinguished scholar, author, and diplomat, — the first President of Cornell University and in later years Minister to Russia and Ambassador to Germany and a United States representative at the First Hague Conference.

when Charles Sumner in the Senate moved the repeal of that law, he found only three votes to support him. In the presidential election, too, the Free Soil vote ("Free Democracy," now) fell off a half; and General Scott, the Whig candidate, who was believed to be more liberal than his platform, was easily defeated by Franklin Pierce, who gave the Compromise his hearty support.

One feature of the election of 1852 was the prominence of a new political party which called itself the American party, but which is better known by the appellation of *Know-nothings*. From the time of the Philadelphia Convention, bitter attempts had been made now and again to limit the political influence of foreign immigrants. To this "native" prejudice there was added, after the Irish immigration of the late forties, a silly fear of "Catholic" domination. The new party was a secret society, with intricate ramifications and elaborate hierarchy. Its purpose was to exclude from office all but native-born and all not in sympathy with this program; but members below the highest grade of officials were pledged to passive obedience to orders, and were instructed, when questioned as to party secrets, to reply, "I know nothing." The movement was bigoted in character and un-American in methods; but it gained considerable strength in eastern and southern States, and elected several congressmen. In part, the movement drew its strength from the desire to ignore slavery and find new issues.

**634.** What slim chance there was that the North might quiet down under the iniquity of the Fugitive Slave Law was finally dissipated by another audacious measure in the interests of slavery. The vast region from Missouri and Iowa to the Rockies was known as the Platte country. Immigrants to California were pouring across it; and at the assembling of Congress in December, 1853, Stephen A. Douglas of Illinois, chairman of the Senate Committee on Territories, strove to secure a Territorial organization for the region. But his **Kansas-Nebraska Bill** proposed that two new Territories there should be placed on the **squatter-sovereignty basis** as to slavery.

Douglas and President Pierce put forward the surprising claim that the Compromise of 1850 *implied* this form of organization for all Territories thereafter formed. But *this*



district was part of the Old Louisiana Purchase, solemnly guaranteed to freedom by the Compromise of 1820. The Compromise of 1850 had applied only to territory just acquired from Mexico: no one had dreamed then that it was to repeal the Missouri Compromise for *old* territory. The Southern congressmen had not asked such a thing; but now, after a gasp of astonishment, they seized their chance.

Most Northerners looked upon the move as a wanton violation of a sacred pledge; but the bill carried by a close vote,—in the House, 113 to 100. Douglas tried to make the bill a party measure; but it ended as a sectional measure. Half the Northern Democrats voted against it—though all the President's power of patronage (§ 572) was used to whip them into line—and *the other half, almost to a man, lost their seats at the next election.* All Southern congressmen but nine, Whigs or Democrats, voted for it.

**635.** Now the struggle for “Bleeding Kansas” was transferred to the country at large. From Missouri thousands of armed slave-owners poured across the line to preëempt land—which, however, few of them made any pretense of really settling. From the North, especially from distant New England, came thousands of true settlers, financed often by the “Emigrant Aid Society,” and armed with the new breech-loading Sharpe's rifle, to save Kansas for freedom. In like fashion, far-off Georgia sent her contingent of the “Sons of the South” religiously dedicated to the cause of slavery. But once more slavery proved its weakness. In spite of the neighborhood of slave territory, it was not easy to move slave plantations to a new State, especially to one not particularly adapted to slave labor; and the free-State settlers soon predominated in numbers.

The first Territorial legislature was carried by “Border Ruffians” from across the Missouri line. A preliminary “census” had shown only 2905 voters in the Territory. On the evening before the election day, “an unkempt, sun-dried, blatant, picturesque mob of five thousand Missourians, with

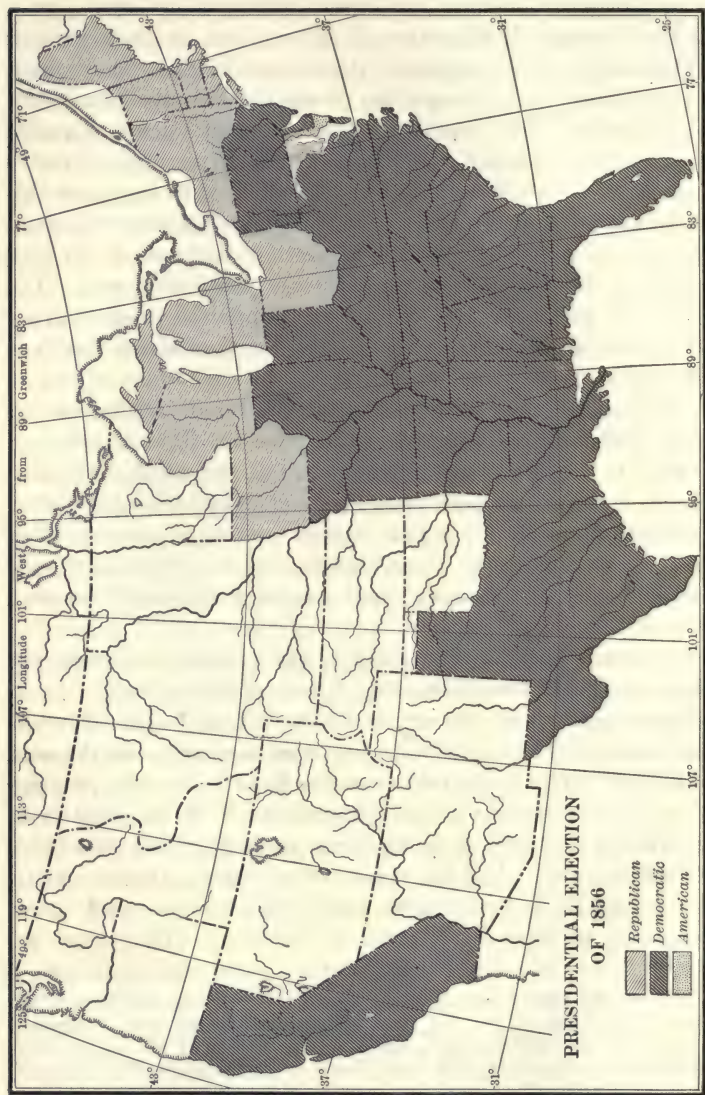
guns on their shoulders, revolvers stuffing their belts, bowie knives protruding from their boot-tops, and generous rations of whisky in their wagons," drove madly across the border, seized all but one of the polling places, and swamped the "free-State" vote. The proslavery legislature, so elected, unseated the few "free-State" members, and passed stringent laws to protect slavery. The free-State settlers tried to disregard this fraudulent government (January, 1856), and it was denounced also by the honest and fearless governor, Andrew H. Reeder, who had been appointed as a strong proslavery man. But President Pierce removed Reeder and supported the proslavery legislature with United States troops. Actual war followed in Kansas between rival proslavery and free-State "governments," and bloody murders were committed both by raiders from Missouri and by free-State fanatics like John Brown.<sup>1</sup>

**636.** In the debate on the Nebraska bill, Sumner had declared that it "annuls all past compromises, and makes future compromises impossible. *It puts freedom and slavery face to face, and bids them grapple.*" And said Emerson: "*The Fugitive law did much to unglue the eyes; and now the Nebraska bill leaves us staring.*"

That rash measure had coalized the discordant antislavery elements throughout the country into one political party. "**Anti-Nebraska men**" (Free Soilers, Northern Whigs, Northern Democrats opposed to Douglas' measure) **drew together under the name Republican**. This party took from the Free Soilers the program of prohibiting slavery in all "Territories." It adopted from the Whigs, who rallied to it in large numbers, their broad-construction views. And it recognized its Democratic element by nominating as its first candidate for President a young officer belonging to that party, John C. Fremont. The name *Re-*

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<sup>1</sup> Brown was quite ready to take life, or to give his own, in fighting "the sum of all villainies," but he must not be confounded with "ordinary criminals." His killings represented a blind revolt of the moral sense against an unrighteous system. They were somewhat similar to the crimes by maddened enthusiasts in the cause of social reform.



*publican* was designed to indicate the purpose of going back to the true democracy of Jefferson's original "Republican" party.

The first Republican National Convention (1856) contained representatives from all the free States and from Maryland, Delaware, and Kentucky. The platform asserted that under the Constitution neither Congress nor any Territorial legislature had authority to establish slavery in a Territory, urged a railway across the continent, and pledged liberal aid to commerce by river and harbor improvement. Despite the sweeping statement regarding slavery *in the Territories*, the party, down to the War, affirmed steadfastly that Congress had no right to interfere with the institution *in the States*; and its leaders reviled Abolitionists almost as violently as the Southerners did.

In the election, Fremont carried all the Northern States but four. The Know-nothings carried Maryland. *The Democrats elected their candidate, James Buchanan, by 174 electoral votes to 114.* The Republicans, however, *in this first contest*, mustered 1,300,000 votes, to 1,800,000 for the Democrats.

**637.** And then (March, 1857) came the **Dred Scott decision**, in which the Supreme Court declared that both North and South were trying to stand upon unconstitutional ground—with a difference. Dred Scott was the slave of an army officer. In 1834 his owner had taken him to an army post in Illinois, and, later, to one in what is now Minnesota; and then back to Missouri. Slavery could not legally exist in Illinois, because of the Northwest Ordinance, or in Minnesota, because of the Missouri Compromise; and, some years later, Scott sued for his freedom on the ground that he became free legally when he resided in that free territory.

The case finally reached the Supreme Court. That august body held that Scott was still a slave and had no standing in court;<sup>1</sup> and two thirds of the Court<sup>2</sup> concurred in the further and uncalled-for opinion of the Chief Justice (Roger B. Taney)

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<sup>1</sup> Scott was at once freed by his owner.

<sup>2</sup> Justices Curtis and McLean presented powerful dissenting opinions.

that neither Congress *nor Territorial legislature could legally forbid slavery in a Territory*. The Constitution, said the Court, sanctioned property in slaves, and every citizen of the Union must have his property protected in any part of the common national domain. Only a State could abolish slavery.

This was a sweeping adoption of Calhoun's contention, and the precise reverse of Republican doctrine. According to this dictum, the restriction upon slavery in the Missouri Compromise had *always* been void in law, even before repealed by the Nebraska Act. Quite as clearly, *the opinion denied the "popular sovereignty" idea*. But in exchange for this ground which it was told to surrender, the South was offered still more advanced and impregnable proslavery ground; while the Republican party was branded as seeking an end wholly unconstitutional and illegitimate by any means. It must surrender, or defy the Court—"that part of our government on which all the rest hinges."

**638.** Without hesitation, the Republican leaders defied the Court. Said Seward in the Senate: "The Supreme Court *attempts* to command the people of the United States to accept the principle that one man can own other men; and that they must guarantee the inviolability of that false and pernicious property. The people . . . never can, and they never will, accept principles *so unconstitutional* and abhorrent. . . . *We shall reorganize the Court*, and thus reform its political sentiments and practices, and bring them into harmony with the Constitution and *the laws of nature*." Lincoln, in public debate, even accused the Court of *entering into a plot* with Pierce, Douglas, and Buchanan. Other Northerners foresaw Civil War. James Russell Lowell, on hearing of the Court's decision, wrote to Charles Eliot Norton, in Italy: "I think it will do good. It makes slavery national, as far as the Supreme Court can. So now the lists are open, and *we shall soon see where the stouter lance shafts are grown, North or South*." More temperately, but quite as decidedly, the influential *Springfield Republican* said: "In this country, *the court of last*

*resort is the people. They will discuss and review the action of the Supreme Court, and, if it presents itself as a practical issue, they will vote against it."*

**639.** The congressional elections of the next year showed great Republican gains. The campaign was made famous by a series of **joint debates in Illinois between Douglas** (the "Little Giant") **and Abraham Lincoln**, candidates for the Senate.

Lincoln was defeated, but he attained his deliberate purpose. His acute and persistent questions forced Douglas to choose between the new doctrine of the Supreme Court—to which the South now clung vociferously—and his own old doctrine of squatter sovereignty—which was certainly as far as Illinois would go. If he placed himself in opposition to the Supreme Court, he would not be able to secure Southern support for the presidency at the next election, to which men's eyes were already turned. If he did not oppose the Court, he would lose the Senatorship and Northern support for the presidency. In any case, the Slavery party would be robbed of its most formidable candidate in 1860. Douglas was driven to maintain that, despite the Dred Scott decision, a Territorial legislature *could* keep out slavery by "unfriendly legislation." This doctrine was at once denounced bitterly by the South.<sup>1</sup>

Even more significant was the moral stand taken by Lincoln. The real issue, he declared, was the right or wrong of slavery,—not any constitutional theory. "It is the eternal struggle between these two principles—right and wrong—throughout the world. They are the two principles which have stood face to face from the beginning of time, *and which will ever continue to struggle*. The one is the common right of humanity: the other is the divine right of kings." Slavery, he affirmed, "is the spirit that says, 'You work and toil and earn bread, and I'll eat it.' No matter in what shape it comes, it is the same tyrannical principle."

**640.** In 1857 the free-State men won the Kansas elections so overwhelmingly that the proslavery organization could no longer expect open support from Washington. The expiring

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<sup>1</sup> A graphic picture of Lincoln's famous Freeport debate is given in Churchill's novel *The Crisis*.

proslavery legislature, however, still provided for a proslavery convention, which met at Lecompton (November, 1857). President Buchanan had purchased for that body the privilege of meeting in peace by promising that its work should be submitted to popular vote. This pledge was not kept. The convention arranged a "constitution with slavery" and a "constitution with no slavery," *which last, however, left in bondage the slaves then in the Territory*, and forbade the residence of free Negroes. At the promised election, the voters were permitted merely *to choose between these two constitutions*: they were given no opportunity to reject both.

The free-State men kept away from the polls; and the "constitution with slavery" carried overwhelmingly, six thousand to less than six hundred. But the new free-State legislature provided for a new and proper expression of opinion. This time the proslavery men abstained from voting; and the two constitutions together received less than two hundred votes, to more than ten thousand against both of them. Still, the South and the Administration at Washington strove violently to secure the admission of the State with the "Lecompton constitution," claiming the first election as valid.

*This nefarious attempt to rob the people of their will was defeated by the warm opposition of Douglas, who remained true to his doctrine of popular sovereignty. The Slave Power succeeded, however, in getting Congress to submit the Lecompton constitution for the third time to the people of Kansas, with a dazzling bribe of public lands if they would accept it. Kansas refused the bribe, 11,000 to 2000. Even then the Democratic Senate would not admit the State with its "free" constitution, and Kansas statehood had to wait till 1861. Meantime, two other free States came in, to establish Northern supremacy in the Senate, — Minnesota (1858) and Oregon (1859).*

**641.** In one other vital matter at this same time the Slave Power offended the moral sense and threatened the material interest of "free" labor. As early as 1845, Andrew Johnson of Tennessee (§ 547) introduced in Congress the first "*Homestead bill*"

— to *give* every homeless citizen a farm from the public lands. Several times such bills passed the House. But larger free immigration into the public domain would end all chance to set up slavery there; and the Slave Power, formerly favorable to a liberal land policy, now defeated all these bills in the Senate. This new attitude of the Slave Power helped to make the masses of the North see the fundamental opposition between free and slave labor.

On the other hand, the antislavery parties appealed to Northern workingmen by their position on this matter. The Free Soilers declared in their platform of 1852, in full accord with the labor parties of twenty years before:—

“The public land of the United States *belongs to the people*, and should not be sold to individuals or granted to corporations, but *should be held as a sacred trust for the benefit of the people*, and should be granted in limited quantities, *free of cost*, to landless settlers.”

In June of 1860 the House again passed a Homestead bill giving any head of a family a quarter section after five years' residence thereon. *The Republican platform* of the same year “demanded” the passing by the Senate of that “complete and satisfactory measure,” protesting also “against any view of the free homestead policy which regards the settlers as paupers or suppliants for public bounty.” This time the Senate did pass the bill, *but Buchanan vetoed it*.

“The honest poor man,” argued the President with gracious rhetoric, “by frugality and industry can in any part of our country acquire a competency. . . . He desires no charity. . . . This bill will go far to demoralize the people and repress this noble spirit of independence. It may introduce among us those pernicious social theories which have proved so disastrous in other countries.”

When the Slave Power withdrew from Congress, a Homestead bill at last became law—in May, 1862.

**642. Two other events** must be noticed, before we take up the fateful election of 1860.

a. In 1859 *John Brown* (§ 635) *tried to arouse a slave insurrection in Virginia*. He seems hardly to have comprehended the

hideous results that would have followed a successful attempt. He planned to establish a camp in the mountains to which Negro fugitives might rally; and his little force of twenty-two men seized the arsenal at Harper's Ferry, to get arms for slave recruits. The neighboring slaves did not rise, as he had hoped they would; and he was captured after a gallant defense. Virginia gave him a fair trial; and he was convicted of murder and of treason against that commonwealth. His death made him more formidable to slavery than ever he had been living. The North in general condemned his action; but its condemnation was tempered by a note of sympathy and admiration ominous to Southern ears. Emerson declared that Brown's execution made "the scaffold glorious — like the Cross."

b. In 1852 Mrs. Harriet Beecher Stowe had written *Uncle Tom's Cabin*, one of the greatest moral forces ever contained between book covers. The volume undoubtedly misrepresented slavery, — as though exceptional incidents had been the rule; but it did its great work in making the people of the North realize that the slave was a fellow man for whom any slavery was hateful. The tremendous influence of the book, however, was not really felt for some years. The boys of fourteen who read it in 1852 were just ready to give their vote to Abraham Lincoln in 1860. This explains, too, in part, why the college youth who had been generally proslavery in 1850 left college halls vacant in 1861–1865 to join the Northern armies.

EXERCISE. — a. Topical reviews: (1) territorial expansion; (2) population, immigration, distribution, etc.; (3) attempts to restrict slavery in the Territories; (4) tariff legislation, to the War.

b. Prepare a table of admission of States for reference.

FOR FURTHER READING. — The stirring story of the Compromise of 1850 and of the struggle for Kansas should be read in larger histories. It is told brilliantly, and quite briefly, in MacDonald's *From Jefferson to Lincoln*, 124–207. There are many readable and valuable biographies for the period: among them, Hart's *Chase*, Morse's *Lincoln*, Meigs' *Benton*, Davis' *Jefferson Davis*, and the admirable sketches in Trent's *Southern Statesmen*, besides those mentioned in previous lists.





## CHAPTER LVI

### ON THE EVE OF THE FINAL STRUGGLE

#### I. AMERICA IN 1860

**643.** WE have treated the period 1845–1860 only in regard to the slavery question. To most men of the time, however, these years had a more engrossing aspect. **The era was one of wonderful material prosperity.** Wealth increased fourfold,—for the first time in our history *faster than population*. Men were absorbed in a mad race to seize the new opportunities. They had to stop, in some degree, for the slavery discussion; but the majority looked upon that as an annoying interruption to the real business of life.

Between 1850 and 1857, *railway mileage* multiplied enormously; and in the North the map took on its modern gridiron look. Lines reached the Mississippi at ten points; and some projected themselves into the unsettled plains beyond. With the railway, or ahead of it, spread the *telegraph*. *Mail routes*, too, took advantage of rail transportation; and in 1850 postage was lowered from 5 cents for 300 miles to 3 cents for 3000 miles. With cheap and swift transportation and communication, *the era of commercial combinations began*, and great fortunes piled up beyond all previous dreams. The new money kings, railway barons, and merchant princes of the North, it was noted, joined hands with the great planters of the South in trying to stifle opposition to slavery—because all such agitation “hurt business.”

*For labor, too, the period was a golden age.* Between 1840 and 1860, wages rose twenty per cent, and prices only two per cent. Pauperism was unobtrusive, and, to foreign observers, amazingly rare. Inventions had multiplied comforts and

luxuries. Pianos from Germany were seen in Western villages, and French silks sometimes found their way to the counter of a cross-roads store. Western farmers moved from their old log cabins into two-story frame houses, painted white, with green blinds. That same rather bare sort of building was the common "town" house also in the West—varied, however, by an occasional more pretentious and often more ugly "mansion" of brick or stone.

New England and New York had learned the lesson of conservative banking; but in the West most banks were still managed recklessly. *In 1857, accordingly, came another "panic,"* due, like that of 1837, to speculation, wild inflation of credit, and premature investment of borrowed capital in enterprises that could give no immediate return. This time, however, the country recovered quickly from the disorder.

**644.** The twenty years preceding the Civil War saw an industrial transformation *due to the development of farm machinery.* One farm laborer in 1860 could produce more than three in 1840.<sup>1</sup> Until 1850, *the dominant agricultural interest* of the United States had been the cotton and tobacco of the South. After that date, *it became the grain of the Northwest.* For that section, McCormick's reaper worked a revolution akin to that worked for the South a half-century earlier by Whitney's cotton gin.

Until 1850, too, the more distant parts of the West, — Wisconsin, Iowa, Minnesota, Nebraska, southern Illinois, — had remained tributary commercially to New Orleans, by the river. *Now this Northwest suddenly changed front.* Farm machinery and the railway made it possible for it to feed the growing Eastern cities and even to export the surplus to Europe from Eastern ports.

*This change in trade routes was more than economic.* It completed the break in the old *political* alliance of South and West — already begun by the moral awakening on slavery — and foreshadowed a new political alliance of East and West.

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<sup>1</sup> Cf. cuts on pages 472, 473.

The merit of the Compromise of 1850 in our history is that it put off the war until this alliance was cemented and the Northwest was, body and soul, on the side of the Union.

In yet another way *the improved reapers and threshers may be said to have won the Civil War.* Without such machinery, Northern grain fields could never have spared the men who marched with Grant and Sherman. As it was, with half its men under arms, the Northwest *increased its farm output.*



With permission, from Dodd's *Expansion and Conflict* ("Riverside History of the United States"), published by the Houghton Mifflin Company.

**645.** The acquisition of California had been followed by a **swift expansion of trade with Asia.** *Hawaii* had been brought under American influence previously by American missionaries and traders; and in 1844 *China* was persuaded to open up five "treaty ports" to American trade. *Japan* continued to exclude foreigners until 1854, when Commodore Perry, in pursuance of orders from Washington, entered Japanese ports with his fleet of warships and secured a commercial treaty.

After the discovery of gold in California (and with the opening of these prospects of Oriental trade) the question of transportation across the *Isthmus of Panama* arose. Great Britain and the United States each tried to secure routes for a canal

from ocean to ocean ; but in 1850 the *Clayton-Bulwer treaty* agreed that any canal across those narrow lands should be neutral, *and subject to common control by the two countries*. In 1855 a railway was opened across the Isthmus.

The ambitious project of an *American railway from the Mississippi to the Pacific* was agitated constantly after 1850 ; and in 1861, encouraged by prospects of a government subsidy, the Western Union carried a telegraph line across the mountains to San Francisco. Travel from St. Louis to San Francisco, by relays of armed stage coaches, took four weeks ; but mail was carried in ten days by the daring riders of the "Pony Express."

**646. Population** had continued to increase at about the old rate of 100 per cent in twenty-five years, besides the added volume of immigration in the fifties. Between 1850 and 1860 our numbers had risen from twenty-three million to thirty-one and a half ; and the cities (eight thousand people and upwards) counted now 158. This was four times as many as twenty years earlier ; and the cities now contained one man in every six of the entire population, instead of one in twelve, as in 1840, or one in twenty, as in 1800. The westward movement of population, too, continued unabated.

The map (page 358) makes that movement appear even greater than in earlier decades ; but the westward leap of the "center of population" between 1850 and 1860 is deceptive. Before 1850, the position of that point had been a roughly correct indication, because, on the whole, except for a temporary gap at the Appalachians (§ 180), settlement had been fairly contiguous. But between 1849 and 1860 half a million people had crossed to the Pacific Coast, leaving more than half the continent unsettled behind them, — so that in determining this artificial "center of gravity," three men at San Francisco had as much weight as ten in New York. *But cf. map opposite with those on pages 269 and 418.*)

The cities of 1860 were still large towns gone to seed from rapid growth. They were unplanned, ugly, filthy, poorly policed ; and the larger ones were run by corrupt "rings" of politicians, who maintained their power by unblushing fraud. New York introduced a uniformed and disciplined "Metropolitan police" just before the War ; and the invention of the steam fire engine, in 1853, promised somewhat better protection against the common devastating fires. (Cf. § 432.)

The foreign-born inhabitants now numbered nearly one in eight of the total population. They were massed almost wholly in the North, *making more than half the people of some States.*

**647.** The North contained nineteen million of the thirty-one and a half million people of the Union, a ratio of 19 to 12; and of the twelve and a half million in the South, four million were slaves. Moreover, when the war line was finally drawn, four



slave-holding States (Maryland, Delaware, Kentucky, and Missouri) remained with the North. These States contained a fourth of the "Southern" population; and the recruits which these divided districts sent to the South were about offset by recruits to the North from "West" Virginia and Eastern Tennessee. Thus, for totals, secession was to be supported by less than five and a half million Whites (with three and a half million slaves) against more than twenty-two million for the Union. The area of Secession contained one White man of military age to four in the North. The North had three fourths the railway mileage and six sevenths of the cities of the Union.

**648.** The South too was less able to feed and clothe armies. She furnished seven eighths of the world's raw cotton; but she did not raise her own full supply of food, and manufactures and mechanical skill were almost totally lacking. Minerals and water-power were abundant, but unused. Said a Charleston paper to its people: "Whence come your axes, hoes, scythes? Yes, even your plows, harrows, rakes, ax and auger handles? Your furniture, carpets, calicoes, and muslins? The cradle that rocks your infant, the top your boy spins, the doll your girl caresses, the clothes your children wear, the books from which they are educated . . . all are imported into South Carolina." "The North," says Rhodes, "combined the resources of farm, shop, and factory; the South was but a farm"—and a farm which received from outside much of its bread and meat.

Even so, only half as much of the land was cultivated South as North. The value of Southern farm land, too, was less than that of similar land in the North, while the value of farm machinery to each cultivated acre was not half that in the North. Slaves could not be trusted with machinery.

The difference was due not to climate, but to labor. It showed instantly upon crossing a State line. In 1796 George Washington noted the higher prices of land in Pennsylvania than in Maryland "though not of superior quality"; and added his opinion, on that ground, that Virginia must follow Pennsylvania's example of emancipation "at a period

not far remote." Tocqueville (p. 282) noted the contrast *between the north and south banks of the Ohio*: thinly scattered population, with occasional gangs of indolent slaves in the few, "half-desert" fields, as over against "the busy hum of industry . . . fields rich with harvest . . . comfortable homes . . . prosperity on all sides." In 1859 Frederick Law Olmsted made a journey through the Southern States; and his acute observations (summed up in his *Cotton Kingdom*) proved that the industrial retardation of the South had been steadily increasing up to the final catastrophe.

**649. In other respects, also, slavery was avenged upon the masters.** The poorer Whites were degraded by it, and the slave-owning class were unduly passionate, imperious, and willful.

The 9,000,000 Whites of the slaveholding States composed some 1,800,000 families. One fifth of these owned slaves; but only eight or ten thousand families owned more than fifty apiece. *This small aristocracy had a peculiar charm* — if only the ugly substructure could be forgotten. The men were leisured and cultivated, with a natural gift for leadership and a high sense of public duty. They were courageous, honorable, generous, with easy bearing and a chivalrous courtesy. Visitors from the Old World complained that Northern men were absorbed in business cares, and lacking in ease of manner; but they were always charmed by the aristocratic manners and cultivated taste of the gentry of the South.

It must be added, however, not only that the great body of small slaveowners were destitute of this charm, but that they were often uneducated. The South produced little literature (except political speeches) and little art; and it had almost no schools. On the other hand, Southern politics had absolutely no taint of that corruption which had appeared in the North.

**650. Man for man, in marching and fighting, the Southerner was far more than a match for the man of the North,** — especially for the man of the Eastern cities. Southern outdoor life and familiarity with firearms counted for much in the early campaigns of the war. The North had been sadly deficient in athletics and in wholesome living, and was at its lowest ebb in

physical condition.<sup>1</sup> The agricultural population of the West, however, resembled the South in physical characteristics; *and the men of the North, city or country, had a mechanical ability, useful in repairing or building bridges or engines, which was lacking in the armies of the South.*

## II. THE LAST POLITICAL STRUGGLE FOR SUPREMACY

**651.** In April, 1860, the *Democratic National Convention* met at Charleston, amid tense excitement over the whole country. Douglas men had a majority, but not the necessary two thirds. The Southern extremists insisted on a platform affirming the duty of Congress to defend slavery in all Territories and condemning Douglas' doctrine of possible "unfriendly legislation" as unconstitutional. The Douglas men voted this down. Then the Southern delegates withdrew. After ten days of fruitless negotiation with that seceding faction, the Convention adjourned, to meet at Baltimore in June. There the *Moderates* nominated Douglas. The seceders then placed in nomination John C. Breckenridge of Kentucky upon their extreme platform.

Meantime, conservative representatives of the old Whig and Know-nothing parties organized as the *Constitutional Union party*; and their Convention (May 9) nominated John Bell of Tennessee, announcing the compromise platform, "No constitutional principles except the Constitution of the country, the Union of the States, and the enforcement of the laws." This party received support from the great moneyed interests of the North and from many of the large planters of the South.

A week later, the *Republican Convention* met at Chicago in a vast "wigwam," amid wild enthusiasm from thousands of spectators. At first Seward was the leading candidate; but he had many personal enemies, and the third ballot nominated Abraham Lincoln.

Most New England Republicans were deeply grieved. They believed that, in passing by Seward, principle had been sacri-

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<sup>1</sup> Emerson ate "pie" for breakfast regularly!

ficed to a mistaken idea of expediency; and they looked upon Lincoln as not only obscure, but ignorant, uncouth, and incapable. Most of his support, indeed, came from men who regarded him as “available” rather than particularly desirable. Almost no one of prominence yet dreamed of the wise, patient, steadfast, far-seeing man, of homely grandeur, that the next years were to reveal.

Lincoln was a strong candidate from the first, and his cause was skillfully handled. On the morning of the nomination, the Seward men paraded the city in imposing fashion; but when they reached the wigwam they found the center of the hall filled with a solid mass of Lincoln supporters (including some men whose stentorian lungs were their chief recommendation); and grave observers believed that the greater volume of *Lincoln noise* had much to do with deciding wavering delegations. Probably the result was due more directly to an unhappy bargain made by Lincoln's managers with Senator Cameron, the political boss of Pennsylvania. Cameron transferred fifty delegates, pledged to himself, into the Lincoln column, in return for a promise of a place in the Cabinet.<sup>1</sup> Lincoln knew nothing of this at the time, and, indeed, had expressly forbidden any such “bargains” in his behalf; but afterwards he made the pledge good—until Cameron's official corruption compelled dismissal.

**652.** With the Democratic party hopelessly divided, **Republican victory in the electoral college was almost certain.** To the South, that prospect was alarming. The Republican platform had once more reasserted that Congress had no power to interfere with slavery in the States; but in the 1858 debate with Douglas, Lincoln had said boldly and sagaciously:—

“‘A house divided against itself cannot stand.’ I believe this government cannot endure permanently half slave and half free. I do not expect the house to fall; but I expect it will cease to be divided. *It will become all one thing or all the other.*”

The South saw that this speech was the real platform,—to which the Republican party would have to come. *Republican success would mean eventually a reversal of the Supreme Court and con-*

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<sup>1</sup> Pennsylvania was one of the doubtful States; and the platform emphasized protection, so as to appeal to her manufacturing interests.

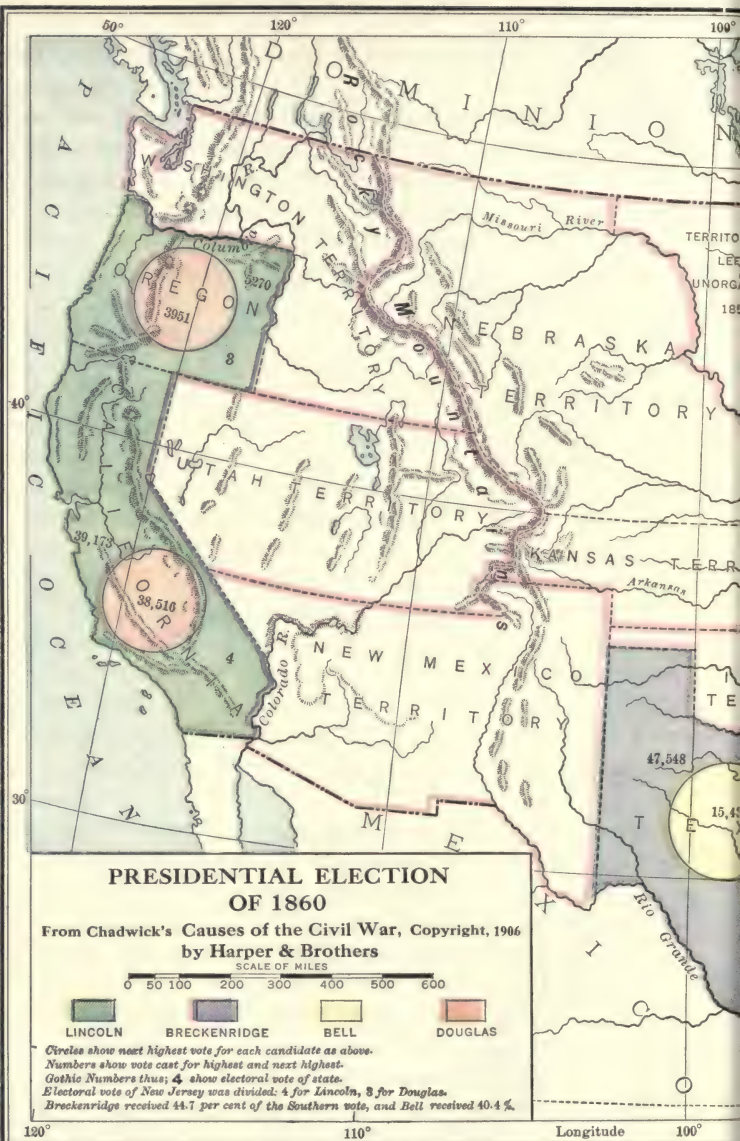
tinued progress toward Lincoln's "nation all free," if the nation held together at all.

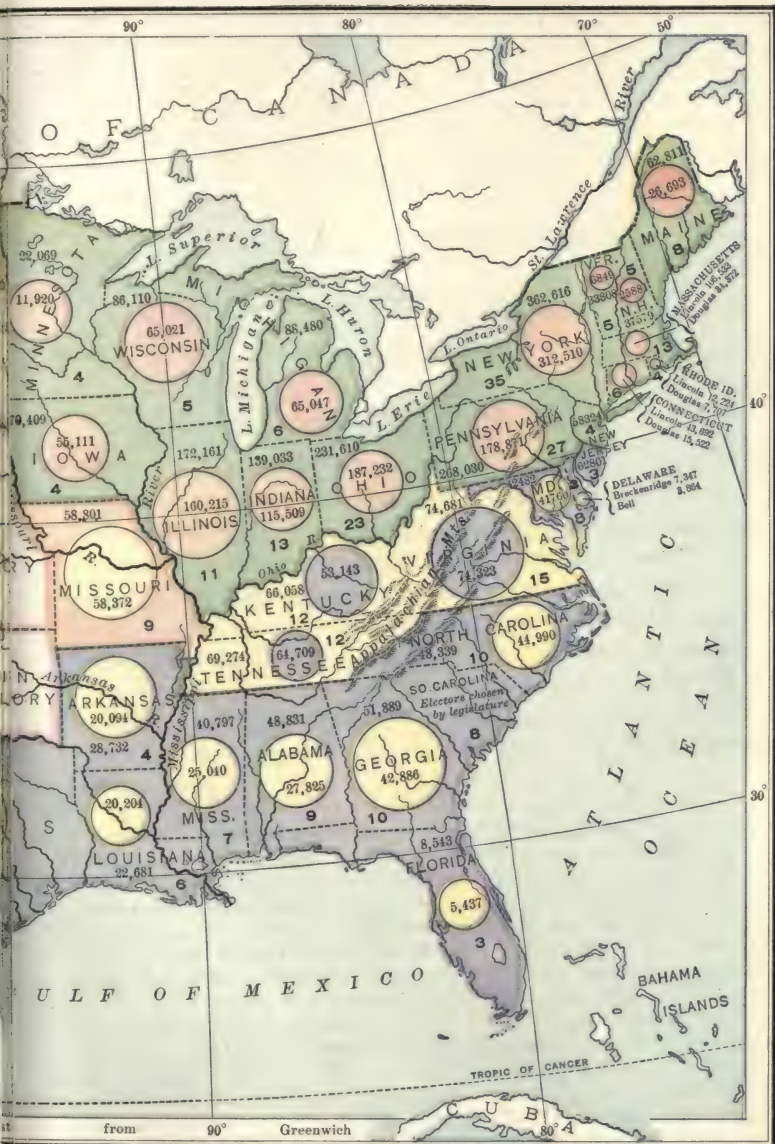
**653. The South did not shrink.** Deliberately, in advance, it made preparations to break up the Union and save slavery.

North and South no longer understood each other. In the seventy years since the adoption of the Constitution, the North had moved steadily toward new intellectual and moral standards and a new system of industry: the South had remained stagnant. As a Southern writer said: "The whirl and rush of progress encompassed the South on every side. . . . Yet alone in all the world she stood unmoved by it." The North had adopted the new Websterian views of the Constitution, in accord with modern needs: the South clung to the old, outgrown views expressed by Calhoun. The great Protestant denominations — Baptists, Methodists, Presbyterians — had already split apart into distinct churches, North and South, on the slavery issue. Southern associations were forming, pledged to import manufactures from England rather than from the North. The North condemned the South as a community built upon a great sin: the South despised and reviled the North as a race of "mudsills" and cheats, and boasted its own higher sense of honesty and honor. Unity was already gone in hearts, in industry, in religious organizations. It was going in commercial intercourse. It could not long endure, on such terms, in government.

**654.** Lincoln carried every Northern State (including California) except for three of the seven New Jersey electors. Douglas received only those three votes and the nine from Missouri, *though his popular vote was nearly as large as Lincoln's*. Bell carried the moderate Border States, Virginia, Kentucky, and Tennessee. All the other Southern States went to Breckenridge. **Lincoln had 180 electoral votes to 123 for his three competitors combined**; but in the popular vote, he had only 1,857,610 out of a total of 4,645,390. The victory was narrow; *and it was the victory of a divided section over a weaker but more united section*.









## PART XI

### NATIONALISM VICTORIOUS, 1860-1876

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#### CHAPTER LVII

##### THE CALL TO ARMS

**655.** NOVEMBER 10, four days after Lincoln's election, the legislature of South Carolina appropriated money for arms, and called a State convention to act on the question of secession. All over the State, Palmetto banners unfurled and "liberty poles" rose. December 17, the convention met. Three days later, it *unanimously* "repealed" the ratification of the Federal Constitution by the State convention of 1788, and declared that "the State of South Carolina has *resumed* her place among the nations of the world." By February 1, like action had been taken in Georgia and the five Gulf States — *the entire southern tier of States*.<sup>1</sup>

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<sup>1</sup> Northern writers have sometimes charged that the Southern leaders carried secession as a "conspiracy," and that they were afraid to refer the matter to a direct vote. This is absolutely wrong. Public opinion forced Jefferson Davis onward faster than he liked; and the mass of small farmers were more ardent than the aristocracy — whose large property interests tended, perhaps, to keep them conservative. For more than a year, *in the less aristocratic counties*, popular conventions, local meetings, and newspapers had been threatening secession if a President unfriendly to the Dred Scott decision should be elected; and when even the "Fire-eater" Toombs paused at the last moment, to contemplate compromise, his constituents talked indignantly of presenting him with a tin sword. *The South was vastly more united in 1861 than the colonies were in 1776.* The leaders acted through conventions, not because they feared a popular vote, but *because their political methods had remained unchanged for seventy years.*

February 4, a convention of delegates from the seven seceding States met to form a new union — “*the Confederate States of America.*” The constitution was modeled upon that of the old Union, with some new emphasis on State sovereignty. Jefferson Davis was soon chosen President of the Confederacy, and Alexander H. Stephens Vice President.

**656.** Few Southerners questioned the *right* of a “sovereign State” to secede. The sole difference of opinion was whether sufficient provocation existed to make such action *wise*. When a State convention had voted for secession, even the previous “Union men” went with their State, conscientiously and enthusiastically. Thus, Alexander H. Stephens made a desperate struggle in Georgia for the Union, both in the State campaign and in the convention; but when the convention decided against him 208 to 69,<sup>1</sup> he cast himself devotedly into secession. He would have thought any other course treason. Allegiance, the South felt, was due primarily to one’s State.

To understand the splendid devotion of the South to a hopeless cause during the bloody years that followed, we must understand this viewpoint. *The South fought “to keep the past upon its throne”; but it believed, with every drop of its blood, that it was fighting for the sacred right of self-government, against “conquest” by tyrannical “invaders.”*

**657.** The Confederacy did not believe the North would use force against secession. Still it **made vigorous preparation for possible war**. As each State seceded, its citizens in Congress and in the service of the United States resigned their offices. The small army and navy of the Union was in this way completely demoralized, — losing nearly half its officers. Each seceding State, too, seized promptly upon the Federal forts and arsenals within its limits, — sending commissioners to Washington to arrange for money compensation. In the seven seceded States, the Federal government retained only Fort Sumter in Charleston harbor and three forts on the Gulf.

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<sup>1</sup> The real test vote had come a little earlier — 165 to 130. This was the strongest Union vote in the Lower South. In Mississippi, the test stood 84 to 15; in Florida, 62 to 7; in Alabama, 61 to 39; in Louisiana, 113 to 17. In Texas *the question was referred to the people*, and in spite of a vigorous Union campaign by Governor Sam Houston, *they voted three to one* for secession.

Federal courts ceased to be held in the seceded States, because of the resignation of judges and other officials and the absolute impossibility of securing jurors. Federal tariffs were no longer collected. Only the post office remained as a symbol of the old Union.

**658. President Buchanan**, in his message to Congress in December, declared that the Constitution gave no State the right to secede, but — a curious paradox — that it gave the government no right “to coerce a sovereign State” if it did secede. For the remaining critical three months of his term he let secession gather head as it liked. With homely wit, Seward wrote to his wife that the Message shows “conclusively that it is the President’s duty to execute the laws — unless some one opposes him; and that no State has a right to go out of the Union — unless it wants to.”

**659. This flabby policy**, moreover, *was much like the attitude of the masses of the North during those same months*. Even from Republican leaders resounded the cry, “Let the erring sisters go in peace.”

In October, General Scott, Commander of the army, suggested to the President a division of the country into four confederacies, — *for which he outlined boundaries*. Northern papers declared “coercion” both wrong and impossible. Horace Greeley’s *New York Tribune*, for years the greatest antislavery organ and the chief molder of Republican opinion, expressed these views repeatedly: “We hope never to live in a republic, whereof one section is pinned to another by bayonets” (November 9); “Five millions of people . . . can never be subdued while fighting around their own hearthstones” (November 30); “The South has as good a right to secede from the Union as the colonies had to secede from Great Britain” (December 17); “If the Cotton States wish to form an independent nation, they have a clear moral right to do so” (February 23, 1861). Even Lowell thought the South “not worth conquering back.” And Wendell Phillips asserted (April 9), “Abraham Lincoln has no right to a soldier in Fort Sumter.”

**660. The Border States urged one more try at compromise**. Virginia called a *Peace Convention* which was well attended and which sat at Washington through February. This body, and

many Republican leaders, proposed various amendments to the Constitution to fortify slavery and so conciliate the South: especially (1) to provide Federal compensation for escaped slaves, and (2) to divide the National domain, present *and future*, between slavery and freedom, along the line of the old Missouri Compromise.

But *the only outcome of the compromise agitation* was the hasty submission to the country of an amendment prohibiting Congress from ever interfering with slavery *in the States*. As Lincoln said, this merely made *express* what was already clearly *implied* in the Constitution, and it was wholly inadequate to satisfy the South. It passed Congress with a solid Republican vote, however, and was ratified by three Northern States before war stopped the process.

**661. Lincoln's inaugural**, on March 4, was a winning answer to Southern claims and a firm declaration of policy.

[**As to the reason for secession**]: "Apprehension seems to exist among the people of the Southern States that . . . their property and their peace and personal security are to be endangered. There has never been any reasonable cause for such apprehension. . . . *I have no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists.*"

[**After demolishing the constitutional "right" of secession**]: "I therefore consider that, in view of the Constitution and the laws, *the Union is unbroken*; and to the extent of my ability, I shall take care . . . that the laws of the Union shall be faithfully executed in all the States. . . . In doing this *there need be no bloodshed* . . . unless it is forced upon the National authority. . . . The power confided to me *will be used to hold* . . . *the property and places belonging to the government*, and to collect the duties and imposts; but beyond what may be necessary for these objects there will be no invasion, no using of force against the people anywhere."

[**Then, recognizing the right of revolution, the deplorable loss from any division of the Union is set forth**]: "Physically speaking, we cannot separate: we cannot remove our respective sections from each other, nor build an impassable wall between them. . . . Intercourse, either amicable or hostile, must continue between them. *Is it possible, then, to make that intercourse more advantageous or more satisfactory after separation than before?* Can aliens make treaties easier than friends can make laws?"

"In your hands, my dissatisfied fellow-countrymen, and not in mine,

is the momentous issue of civil war. . . . You have no oath registered in heaven to destroy the government, while I shall have the most solemn one to 'preserve, protect, and defend' it."

**662.** Statesmen showered the new President with advice. Lincoln heard all patiently; but his real efforts were given to **keeping in touch**, not with "leaders," but **with the plain people** whom he so well understood. His own eyes were set unwavering upon his goal — the preservation of the Union — while with unrivaled skill, he kept his finger on the Nation's pulse, to know how fast he might move toward that end. For a time he was railed at by noisy extremists, who would have had him faster or slower; but the silent masses responded to his sympathy and answered his appeal with love and perfect trust, and enabled him to carry through successfully the greatest task so far set for any American statesman.<sup>1</sup>

Despite the seeming cowardice or apathy of Northern statesmen, the masses needed only a blow and a leader to rally them for the Union. South Carolina fired on the flag, and Abraham Lincoln called the North to arms.

**663.** From November to April, Major Anderson and sixty soldiers had held Fort Sumter in Charleston harbor. In vain he had pleaded to Buchanan for reinforcements. In January, Buchanan made a feeble show of sending some;<sup>2</sup> but the *unarmed* vessel, weakly chosen for the purpose, was easily turned

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<sup>1</sup> The country now paid heavily, through the wear upon its burdened chieftain, for its low tone toward the spoils system. Washington was thronged, beyond all precedent, with office seekers, who were "Republicans for revenue"; and the first precious weeks of the new administration had to go largely to settling petty personal disputes over plunder. Lincoln compared himself to a man busied in assigning rooms in a palace to importunate applicants, while the structure itself was burning over his head; and in 1862, when an old Illinois friend remarked on his careworn face, he exclaimed with petulant humor, — "It isn't this war that's killing me, Judge: it's your confounded Pepperton postoffice!"

<sup>2</sup> Buchanan was shamed or forced to this step by his Cabinet, who threatened otherwise to resign. That body was now made up of Northern Democrats; and they meant at least to defend the National property.

back by Secessionist shells; and further efforts were soon made difficult by rising batteries — whose construction Anderson's orders did not permit him to prevent.

A month after taking office, Lincoln decided, against all his Cabinet, to send supplies to Anderson. The Confederates took this decision as a declaration of war, and attacked the fort. **April 12, the bombardment of Sumter began;** and thirty hours later, with the fortress in ruins, Major Anderson surrendered. **The next day (April 15) the wires flashed over the country Lincoln's stirring call for seventy-five thousand volunteers.**

**664.** The call to arms brought a **magnificent uprising of the North.** Laborers, mechanics, business men, professional men, college boys and their learned teachers, shouldered muskets side by side. From Maine to California, devotion and love for the Union spoke with one mighty voice. Banks offered huge loans without security, and wealthy men placed their private fortunes at the disposal of the government. By July, 310,000 men were in the field. Before the close of 1861, the number was 660,000, enlisted for "three years or the war."

Party distinctions in the North faded. Talk of compromise was drowned in the din of arms. Douglas, dying though he was, hastened gallantly to Lincoln's support; and Buchanan gave cordial aid. Lowell wrote (*Atlantic Monthly*, June, 1861) of "that first gun at Sumter which brought the free States to their feet as one man"; and four years later, while sorrowing for his own glorious dead, he told again how

"America lay asleep, like the princess of the fairy tale, enchanted by prosperity. But at the fiery kiss of war the spell is broken, the blood tingles along her veins, and she awakens, conscious of her beauty and her sovereignty. . . . What splendid possibilities has not our trial revealed, even to ourselves! What costly stuff whereof to make a Nation!"

**665.** The Confederacy sprang to arms with even greater unanimity. **And now the remaining Slave States had to choose sides.** Within six weeks the *second tier* (North Carolina and Virginia, Tennessee, Arkansas) *joined the Confederacy* rather

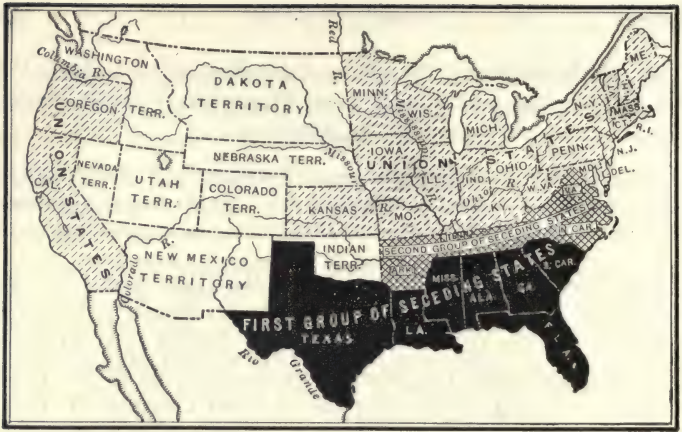
than join in attempts "to coerce sister States";<sup>1</sup> and the Confederate capital was moved from Montgomery to Richmond, within striking distance of Washington.

The people of the western counties in Virginia had been opposed to secession. When the State withdrew, they organized a separate State government, and (1863) were admitted to the Union as *West Virginia*.

**666.** The third tier of Slave States (Maryland and Delaware, Kentucky, Missouri) were the true "Border States." Delaware was firm for the Union from the first; and in spite of strong secession sentiment, the others were finally kept in the Union by Lincoln's wise diplomacy and by swift action of Union armies, — though their inhabitants sent many regiments to swell the Southern ranks. Missouri would have joined the Confederacy except for vigorous action by the many thousands of recent, freedom-loving German immigrants in St. Louis, who stood stoutly for the Union. *The lines were drawn, twenty-two States against eleven.*

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<sup>1</sup> The legislature of Tennessee submitted the matter directly to the people; and the popular vote stood 105,000 to 47,000 (the eastern mountain counties, like their Virginia neighbors, containing a strong Union element). In Virginia the convention vote was two to one for secession. There also the question was submitted to a popular vote; and the people sustained the convention by a vote of three to one — the opposition coming almost wholly from the western counties. A Virginian who had been a Unionist delegate in the convention was asked just afterwards — "What will the Union men of Virginia do?" "There are no Union men left in Virginia," came the swift reply. "We stand this day a united people . . . We will give you a fight that will stand out on the page of history."



UNION AND CONFEDERACY IN 1862.

## CHAPTER LVIII.

### THE CIVIL WAR

#### I. CAMPAIGNS

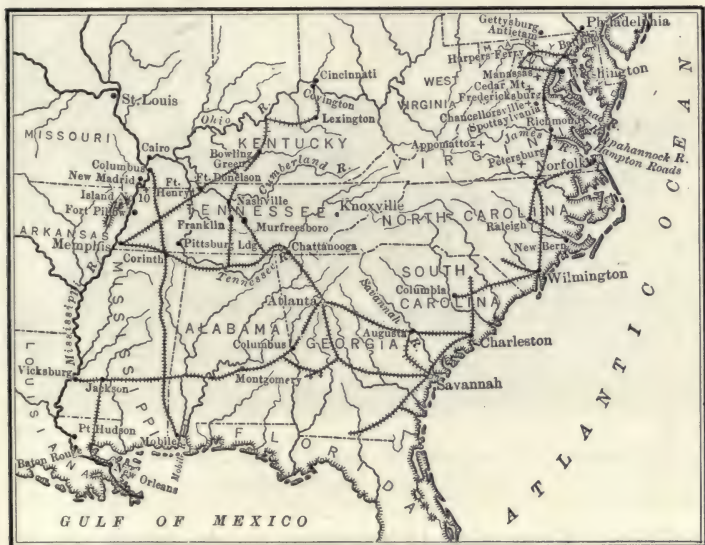
**667.** At first the North expected confidently to end the conflict in three months — “by one decisive blow.” From this dream the country awoke when the Union forces were utterly routed at *Bull Run* (July 21) in an advance on Richmond. Then, in more wholesome temper, it settled down to a stern war. That war lasted four years, and was the most tremendous struggle the world had ever seen.

To subdue the South **two things were essential**: (1) *The seceding States must be invaded and conquered on their own soil*; but this was plainly impossible unless (2) *a cordon was first drawn about them, so that they could get no supplies from the outside world.*

**668.** To completely beleaguer the South, then, was the first task. *On the land side*, the overwhelming numbers of the North made this fairly easy. The Border States were quickly occupied, and the South was kept upon the defensive. She did make some daring raids into Kentucky and two formidable

invasions across the Potomac that threw the North Atlantic cities into panic; but all these sorties were failures. The first one across the Potomac was turned back at *Antietam*, September 17, 1862; and the second, the "high-tide of the Confederacy," at *Gettysburg*, July 1-3, 1863.

To close the three thousand miles of sea coast was a more difficult matter. April 19, 1861, Lincoln declared it blockaded;



SCENE OF THE CIVIL WAR.

but this was little more than a statement of intention. Only twelve ships were at the government's command. The rest of the small navy of forty-nine ships had fallen into Southern hands or was scattered far in foreign ports. But blockading squadrons were hurriedly bought, built, and adapted out of coasting steamers and ferryboats; and *in a few months the paper blockade became real*. From that time to the end, the throttling grip on Southern commerce clung closer and closer.

The export crops, cotton and tobacco, were robbed of value. In 1860 the cotton export amounted to nearly two hundred millions of dollars; in 1862, to four millions. As arms, railway material, clothing, wore out, it was almost impossible to replenish the supply. Before the end of the first year, there was an alarming scarcity of *salt*, butter, coffee, candles, and



*Brady Photograph.*

PRESIDENT LINCOLN AND GENERAL MCCLELLAN AT ANTIETAM,  
shortly after the battle there.

*medicines.* By recourse to homespun, and by raising corn instead of cotton, part of the need was met. Part was beyond remedy.

Southern sympathizers and venturesome capitalists made it a business to build swift "blockade runners" to carry supplies to Confederate ports from the Bermudas, and to bring out the cotton piled up at Southern wharves and worth fabulous prices in the idle European factories. Fifteen hundred such vessels were captured during the war; and, before the close, they had nearly vanished from the seas. While trips could be made at all, profits were enormous. A ton of salt, costing \$7.50 out-

side the Confederacy, could be sold inside in gold for a profit of 20,000 per cent.

For one moment it looked as if the Union fleets would be swept from the seas, and the blockade raised. When the government troops abandoned Norfolk navy yard (on the secession of Virginia), they left there, only partially destroyed, the frigate *Merrimac*. The Confederates built on her hull an iron roof-



Brady Photograph.

CONFEDERATE BLOCKADE-RUNNER, *Teazer*, near Charleston harbor, — captured soon after this photograph was taken.

ing, and sent her forth as the *Virginia* against the wooden frigates of the United States in Hampton Roads. This first armored ram on the American coast sank two towering ships (March 8, 1862) and steamed back to her anchorage, confident of completing her mission on the morrow. But, during that night, arrived at the Roads another type of iron vessel, the *Monitor*, with low, flat deck surmounted by a revolving turret mounting two huge guns, — a “cheese box on a raft.” After a sharp engagement, the *Virginia* was driven to seek shelter.

The blockade was saved,—and the knell had sounded for wooden men-of-war.<sup>1</sup>

**669. Invasion of the Confederacy** had been simplified tremendously by the saving of the Border States to the Union. There were *three primary lines of attack*. (1) The Army of the Potomac, with headquarters about Washington, must try to



MONITOR AND MERRIMAC. From a painting.

capture Richmond, the political center of the Confederacy, and crush the army of defense—the Army of Northern Virginia. (2) In the West, the Unionists must secure the Tennessee and Cumberland rivers, so as to occupy Tennessee and to open roads into Mississippi and Alabama. And (3) the course of the Mississippi had to be secured by the capture of such Confeder-

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<sup>1</sup> Vessels had been covered with iron plates in some of the earlier campaigns on the Mississippi; and England and France had constructed some ironclads; but it was the spectacular battle of “the *Monitor* and *Merrimac*” which demonstrated to the world the arrival of a new order—following the victories of the *Merrimac* on the preceding day.

The *Monitor* was the invention of a Swedish immigrant, *John Ericsson*; and she had been just completed, after a hurried three months.

ate strongholds as New Madrid, Island No. 10, Port Hudson, Memphis, and New Orleans.

*Secondary lines* of invasion were pointed out by the location of the more important railways—especially those from west to east, such as the Memphis and Charleston Road. To secure these roads, engagements were fought in 1862 at *Corinth*, *Pittsburg Landing*, *Shiloh*, and *Memphis*.

*Vicksburg*, the last of the river fortresses to hold out, was forced to surrender to General Grant on July 3, 1863 (the final day of *Gettysburg*); so that the Father of Waters “once more rolled unvexed to the sea,” cutting off Arkansas, Texas, and most of Louisiana from the main body of the Confederacy. The second task had begun earlier, but lasted longer. Grant had captured *Forts Donelson* and *Henry*, commanding the lower courses of the Tennessee rivers, in 1862; but Union occupation of Tennessee, and indeed of the line of the Ohio, was not assured, until, after oscillating campaigns and some of the most bloody fighting of the war, Grant, Thomas, and Sherman drove the Confederates from *Chattanooga*, in November of 1863.



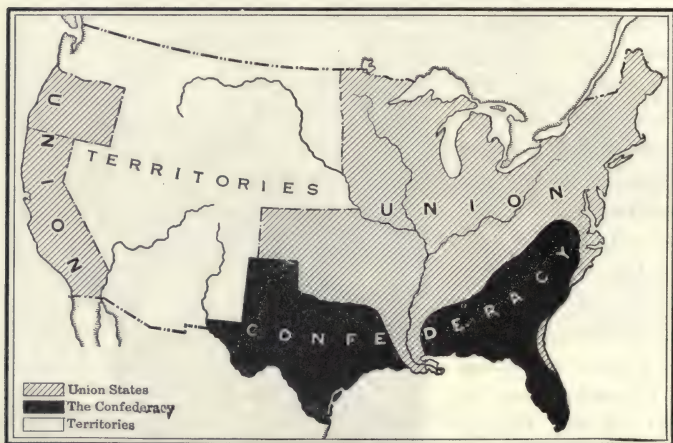
*Brady Photograph.*

GENERAL ULYSSES S. GRANT. From a photograph in 1865.

This decisive victory opened up a *fourth line of invasion*, to Atlanta,—at the farther end of the Atlanta and Chattanooga

Railway, — only 135 miles distant, but with an intervening region of rugged mountains. Atlanta was located in the iron and coal region of northern Georgia and was becoming a center for manufacturing arms and railway material. As the only such center in the Confederacy, its capture was of supreme importance. This became Sherman's task in the summer of '64 in a four months' campaign, against the skillful opposition of the outnumbered Johnston and the pounding of his desperate successor, Hood.

*Atlanta was taken September 3.* Leaving its factories in ashes, and detaching Thomas with sufficient force to engage Hood,



UNION AND CONFEDERACY AFTER GETTYSBURG.<sup>1</sup>

Sherman then (November) struck out a *fifth line of invasion*, through the heart of the Confederacy for Savannah, — living on the country and finding not even a militia to oppose him.

Meantime, in the East, the genius of Lee<sup>2</sup> and the splendid

<sup>1</sup> Cf. with map on page 558.

<sup>2</sup> Robert E. Lee ranks among the noblest figures in American history. He loved the Union deeply; but when Virginia seceded, he declined an offer of the command of the Union armies, and gave his sword to the Confederacy.

fighting qualities of his devoted but diminishing army, aided, too, by geographical conditions, — trackless swamps and broad streams subject to sudden floods, — held the Union forces at bay year after year, until Grant was brought from the West and given men in ever fresh multitudes to wear down his opponents. Even then, Lee's thinned and starving veterans remained unconquered, until the empty shell of the Confederacy had been pierced from circumference to circumference, and its absolute exhaustion bared to the world, by Sherman's devastating "March to the Sea." The South did not yield: it was pulverized.

## II. FORCES

**670.** In the North *one man out of two* bore arms at some period of the war; and one man out of three served three years. In the South *nine men out of ten* bore arms, and eight out of ten served three years. The total enlistments in the North counted 2,900,000; in the South, 1,400,000. The three-year average for the North was 1,557,000; for the South, 1,082,000. With far less effort than the South, the North kept a half more men in the field.

But this does not take account of the slaves who served as teamsters, laborers on fortifications, cooks, and servants, in Southern armies, doing work that had to be performed by enlisted men on the other side.<sup>1</sup> The Southern forces, too, were able to concentrate more rapidly, because they moved on the inside lines and knew the roads better. Perhaps, too, they were handled with greater skill. Certainly, *until the final year*, the armies in actual conflict did not often vary greatly in numbers.

Then, indeed, the exhausted South could no longer make good her losses in battle — though her stern recruiting system

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The recent acceptance by Congress of his statue, to stand in Statuary Hall in the Capitol beside Virginia's other great son, Washington, fitly denotes the reunion of North and South as one people.

<sup>1</sup> On the plantations, too, under the management of women, slaves raised the food crops for the South. Wonderful to say, there was no hint of a slave-rising during the war, and, until 1863, very little increase of runaways.

did "rob the cradle and the grave." Her ranks shrank daily, while the Northern armies grew larger than ever. At the opening of that last terrible year of slaughter, from May 5 to June 12 (1864),—or from the Wilderness to Petersburg,—Grant hurled his 120,000 veterans almost daily at Lee's 70,000, suffering a loss of 60,000 to Lee's 14,000. New recruits were always ready to step into the gaps in the Union regiments; while the Confederate ranks could only close up grimly. In the remaining campaigns, the Union forces usually outnumbered their opponents at least two to one. To add to the disparity, Grant sternly refused to exchange prisoners.

**671. Military prisons** are always a sore subject. There is usually a tendency, in a long conflict, for their administration, on both sides, to fall to men less competent and less chivalrous than those who seek service at the front. Even in the early years of the war, there had been terrible misery in the prisons at the South—where medicines and supplies were wanting even for the Confederate soldiers. With less excuse, there had been cruel suffering also in Northern prison camps. Toward the close, when the South was unable to feed her soldiers at the front, or to spare adequate forces for guards, conditions became horrible in the Southern prisons,—especially after Grant's refusal to exchange prisoners packed the already crowded Libby and Andersonville with Union soldiers.

On this whole topic the student will do well to consult Rhodes' exhaustive and impartial treatment (*History*, V, 483–515), and especially to note his conclusion:—"All things considered, the statistics [of deaths] show no reason why the North should reproach the South."

**672. In 1863** there was a falling off of enlistment in the North, and **Congress authorized a "draft,"**—a conscription by lot from able-bodied males between the ages of twenty and forty. In enforcing this law, some officials seem to have discriminated against Democratic districts; and violent anti-draft riots broke out in several Eastern cities. These were put down sternly by the military; but not till New York had been three

days in the hands of a murderous "nigger-hunting" mob, and only after a sacrifice of a thousand lives.

Altogether the draft furnished less than forty thousand troops. Its real work lay in influencing State legislatures to stimulate enlistment by generous bounties. Such moneys furnished support for dependent mothers and for children, and so enabled many a man to volunteer who otherwise must have worked at home. But it remains absolutely true, as Lowell said, that "the bounty which drew our best soldiers to the ranks was an *idea*." For the South, this was even more true, mistaken though the idea was; but even the South had recourse to conscription, extending it *to boys of seventeen and men of fifty*. In most districts, however, volunteer enlistment had left small gleanings for this desperate law.

### III. WAR FINANCE

**673.** The Buchanan administration left the treasury empty, a debt mounting, and credit dubious; but *Salmon P. Chase*, Lincoln's Secretary of the Treasury, was supported loyally by Congress in a course of **vigorous war finance**. Year by year, bonds were sold at home or abroad in amounts which at any earlier time would have seemed fabulous. A *direct tax* of \$20,000,000 was apportioned among the States. An *income tax* of 3 per cent on all incomes over \$800 was imposed; and in 1864 this was raised to 4 per cent, with 5 and 10 per cent rates on very large surpluses. *Internal excises* and *stamp duties* of the most varied and searching description reached almost all callings, products, and business transactions. Session by session Congress devised higher and higher "*war-tariffs*," rising to rates before unheard of, to remain without change twenty years after the war was over. And a series of "*Legal Tender Acts*" provided half a billion of dollars of paper money, based only on the faith of the government and amounting to a "forced loan."

**674.** These "greenbacks" mentioned no specific date for redemption, nor did the law provide any specific security, and of

course the value fluctuated with success or failure in the field. Depreciation set in at once. Gold was hoarded or sent abroad in trade; and on one dark day in 1864 it sold at 285, while most of the time after 1862 a dollar of paper was really worth only from fifty to seventy cents. Prices rose, for this reason and for other causes connected with the war, to some 90 per cent above the old level. Wages rose, too; but more slowly, and only two thirds as much, — *so that the laboring classes bore the great part of the cost of the war.* Workingmen endured much suffering, even while “business” was exceedingly “prosperous.”

**675.** Toward the close of the war, taxation was bringing in half a billion a year; but in 1863 the expenditure had risen to two and a half millions *a day* — or two times the daily income. Business could not well stand more taxes; nor could more paper money be issued safely. The extra amount must be borrowed by selling new bonds. But how could the government induce capitalists to buy them in sufficient amounts? **Chase solved this problem in part by the National Banking Acts of 1863 and 1864** — the basis also of a system of banks and bank currency better than America had before known.

Any association of five or more persons, with a capital of at least \$100,000, was authorized (1) to organize a National bank, (2) purchase National bonds to the amount of one third the capital, (3) deposit the bonds in the National Treasury, and (4), issue “National bank notes” on that security. A supplementary Act placed a tax of 10 per cent on notes issued by State banks. Hundreds of State banks then reorganized as National banks, and their new demand for bonds met the needs of the Treasury.

**676.** Capital is notoriously timid, and business notoriously selfish. There were not wanting the customary shames of army contractors who swelled their fortunes by furnishing shoddy clothing, paper-soled shoes, and rotten food to the troops; while other more adventurous pirates of finance made fabulous profits by illicit or treasonable trade with the South.

But on the whole **the monied men showed a noble patriotism.** Andrew D. White tells a typical story (*Autobiography*, I, 89) of the roughly expressed idealism of a multimillionaire — still a rare phenomenon in the sixties — who had

“risen by hard work from simple beginnings to the head of an immense business . . . a hard, determined, shrewd man of affairs, the last man in the world to show anything like sentimentalism. . . . He said something advising investment in the newly created national debt. I answered, ‘You are not, then, one of those who believe that our debt will be repudiated?’ He rejoined: ‘Repudiation or no repudiation, I am putting everything I can rake and scrape together into national bonds, to help this government maintain itself; for, by God, if I am not to have any country, I don’t want any money.’”

**677. Northern statesmanship also devoted itself deliberately and effectively to encouraging the production of wealth** — that there might be more to tax. The demand for war supplies and the high tariffs stimulated manufactures enormously. Congress gave vast amounts of land and money to the Union Pacific to enable that company to build a railway across the continent, and other railways opened up great tracts of new territory to agriculture. In 1862 the *Morrill Bill* offered National land grants to State institutions providing scientific training in agriculture and in mechanical arts. The same year the long-delayed “*Homestead Bill*” (§ 641) offered free 160 acres of land to any head of a family who would live upon and improve it.

**678. The South had little wealth to tax.** It had no capitalists to buy its bonds; and they could not long be sold abroad. Paper money was issued in floods by both central and State governments, — and depreciated even faster than the famous “Continental currency” of Revolutionary days, so that in 1864, it was not unusual for a Southern soldier to pay \$200 for a poor pair of shoes. The Confederacy did not formally make this paper a legal tender; but, before the end of the war, it was forced to seize supplies from the fields and barns, and it could pay for them only in this money — at rates fixed from

month to month by government decree. Neither bonds nor currency were ever redeemed.

Thus the South lived upon itself. And the capital that could not be eaten,—that which was fixed in buildings and roads,—was in large part burned or ruined by the Northern invaders. Southern wealth was gone before the survivors of her heroic men laid down their arms. The world had never seen another so vast and complete a devastation of a civilized land.

**679.** The great Republic emerged from the battle-storm, glorious and whole, while the world stood amazed, convinced against its will. The resources of the North were never lacking. *They grew faster than they could be spent*; and the North had more men, more tilled acres, more manufactures in 1865 than in 1861.

But for the South, as Woodrow Wilson says so well, “the great struggle was maintained by sheer spirit and self-devotion, in spite of constantly diminishing resources and constantly waning hope. . . . And all for a belated principle in government, an outgrown economy, an impossible purpose. There is in history no devotion not religious, no constancy not meant for success, that can furnish a parallel to the devotion and constancy of the South in this extraordinary war.” The American of to-day sorrows at the terrible sacrifice the South made for mistaken ends; but his heart swells with patriotic emotion at the heroic vision of that chivalrous devotion to the Lost Cause,—that gallant constancy, that peerless courage.

#### IV. THE WAR AND SLAVERY

**680.** When the war began, a large part of the North cared nothing about abolishing slavery, or was positively opposed to doing so; and the loyal Border States were kept in the Union only by repeated assurances from the government that the war was *not* intended to free slaves. The day after Bull Run, by *107 to 2*, the Republican House reassured the War Democrats and the Border States to this effect.

In the opening weeks of the struggle, it is true, General Butler, at Fortress Monroe, refused to deliver to an owner in the Confederate army a runaway slave who had escaped to the Union lines,—on the ground that the man was “contraband

of war" (since he might be made useful to the enemy). This logic was so sound, and the phrase so caught the popular approval, that the government did not interfere with the Union generals who chose thereafter to free "contrabands" seeking refuge *within their lines*. But when General Fremont, in Missouri, proclaimed free the slaves of all citizens of that State who were in arms for the Confederacy, the order was promptly disavowed by President Lincoln. For a year more, the majority of the Union generals were inclined to enforce the Fugitive Slave Act as to Negroes who sought refuge with the army, even when the owners were serving in the Confederate ranks.

**681.** But it became more and more plain that, if the North was successful, the result must be freedom for the Negro; and, in March, 1862, *Lincoln recommended to Congress that the States should be invited to decree gradual emancipation*, and that, wherever this was done the *United States should compensate the owners and colonize the freed Negroes*.

This wise plan was never adopted. In April Congress *abolished slavery in the District of Columbia*, it is true (with an appropriation of \$1,000,000 to compensate the owners); and, in June, it abolished slavery in the Territories, *without compensation*. It also *passed resolutions* approving Lincoln's plan for the *States*. But the President's earnest appeals to the Union leaders of the Border to persuade their States to act promptly and secure compensation for their slaves before it was too late, fell upon deaf ears. They could not yet believe his prophecy that soon they would find "bonds better property than bondsmen"; and the opportunity passed.

**682.** Congress adjourned for the season on July 17, 1862. Five days later, Lincoln read to his surprised Cabinet the draft of a proposed **Emancipation Proclamation**. This was *not to apply to the Border States, or to the Southern territory under Union control*. The only warrant in the Constitution for such action by the President had to be found in his powers as Commander in Chief. The Proclamation, in form, was merely a *war measure*, designed to weaken the enemy.

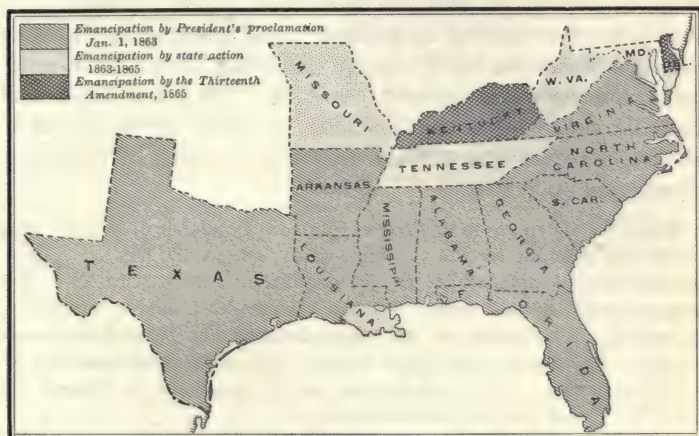
At Seward's suggestion, Lincoln put the matter aside, to wait for some signal victory — of which there had been few for a long year — that the Proclamation might not seem the act of a despairing government. Two months later, Lee's retreat after Antietam (§ 668) furnished the appearance of a victory; and September 23 the great Proclamation was given to the world, — to go into operation on the first day of the coming year.

The Proclamation made an era in history. At the moment, of course, it was a paper edict, and did not actually free a slave. But from that day *the war became a war to free slaves*; and, as Union armies slowly conquered their way into the South, thousands, and finally millions, did become free.

**683.** True, cautious as Lincoln had been, it seemed for a time as though he had moved too swiftly for Northern opinion. **The fall elections gave anti-war majorities in several of the largest Northern States**, before strongly Republican. In Ohio the Democrats carried 14 congressional districts out of 19; in Indiana, 8 out of 11; in Illinois, 11 out of 14. Says Professor A. B. Hart (*Salmon P. Chase*, 270): "No Republican majority could be secured out of the free States; *but a silent and drastic process was applied by the military in the loyal Border States*, which caused them to furnish enough Republican members to make up the majority without which the war must have failed." By such dubious means, 21 Republican Representatives were secured from the 26 Congressional districts of Missouri, Kentucky, and Maryland.

**684.** And after an interval of dismay the Nation rallied. **Emancipation was accepted as a settled policy**; and, in 1864, Lincoln was reelected triumphantly, carrying every loyal State except New Jersey, Delaware, and Kentucky. Before the close of the war, Maryland, Missouri, and West Virginia abolished slavery without compensation; and "Reconstruction governments" (§ 699) in Tennessee, Louisiana, and Virginia freed the slaves in those parts of the Confederacy to which the great Proclamation had not applied. Then "the whole thing was

wound up,"<sup>1</sup>—all informalities legalized, all possible gaps covered, and the institution itself forever forbidden,<sup>2</sup>—by the Thirteenth Amendment (ratified in December, 1865). It was



this Amendment which freed the remaining slaves in Kentucky and Delaware.

After the Emancipation Proclamation, the government began to receive Negro regiments into the army. More than fifty thousand Black men were enrolled during the remaining months of the war; and large numbers of others were now used as teamsters and for camp work which had formerly rested on Northern White soldiers. *Emancipation, too, ended all chance of the South getting European aid.*

<sup>1</sup> This was Lincoln's expressive phrase, in urging such an amendment upon Congress.

<sup>2</sup> The Proclamation had *not* made slavery subsequently illegal. But the great Amendment runs—after the phrasing of the Northwest Ordinance—"Neither slavery nor involuntary servitude . . . shall exist within the United States or any place subject to their jurisdiction." The contrast between this actual Thirteenth Amendment and the proposed "Thirteenth Amendment" of 1861, to *guarantee slavery forever against national interference* (§ 660), measures part of the value of the war.

## V. THE WAR AND EUROPE

**685.** Both North and South had counted upon English sympathy. The North felt that England must favor war against slavery, — forgetting, perhaps, that for more than a year it vociferated that it was not warring upon slavery, and ignoring also the fact that the mounting tariff, closing the usual market to English manufactures, was a constant irritation. The South hoped that England would break the blockade, to secure cotton, so as to give work to her idle factories and her hundreds of thousands of starving operatives.

Richard Cobden wrote to Charles Sumner (December 5, 1861): “ You know how ignorant we are of your history, geography, etc. . . . There are two subjects upon which we are unanimous and fanatical . . . personal freedom and free trade. In your case we see a mighty struggle, — on one side protectionists, on the other slave owners. The protectionists say they do *not* seek to put down slavery : the slave owners say they *do* want free trade. Need you wonder at the confusion in John Bull’s head ? ” *Punch* put the same dilemma : —

“ The South enslaves those fellow men  
Whom we all love so dearly :  
The North keeps commerce bound again,  
Which touches us more nearly.  
Thus a divided duty we  
Perceive in this hard matter :  
Free trade or sable brother free ?  
O, won’t we choose the latter ? ”

**686.** When President Lincoln proclaimed a blockade of Southern ports, France and England at once called the attention of their citizens to that proclamation and ordered a strict neutrality between the two “ belligerents.” This word incensed the North, which had been claiming that the Confederates were merely “ rioters.” The English and French acknowledgment of the belligerency of the South was perhaps made with unnecessary haste ; but it is now generally agreed that such action afforded no real cause for complaint. It granted to the Confederates certain rights for their privateers in English and French ports, which, as mere rioters or pirates, they would not

have enjoyed; *but it was not at all a recognition of the Confederacy as an independent nation.*

**687.** There was real danger of this catastrophe — which would almost certainly have been fatal to the Union. After Bull Run, English *society* generally believed that the South could not be conquered, and was more and more inclined to look upon the contest as one between empire and self-government. “In any case, since the South must win in the end,” said they, “the sooner the matter is ended the better, so that our cotton mills may turn their spindles again and the danger of social revolution from starving workmen here be removed.” Moreover, now that it seemed safe, the governing aristocracy of that time<sup>1</sup> was glad to show sympathy for the corresponding aristocracy of the South. Said Gladstone — not yet fully out of his Tory period — “Jefferson Davis and other leaders . . . have made an army; they are making a navy; they have made . . . a nation.” Still, so far as any *act* of the English government is concerned, Mr. Rhodes to-day and Motley<sup>2</sup> at the time agree that the North had no cause whatever for offense until November, 1861.

**688.** Then came an incident which nearly led to war with England. The Confederacy appointed *James Mason* and *John Slidell* commissioners to England and France, to secure recognition and alliance. These gentlemen ran the blockade to Havana, and there took passage on the English steamship *Trent*. November 8, an overzealous captain of an American man-of-war overhauled the *Trent* and took the two commissioners from her decks.

The North burst into applause, though Lincoln and a few other cool heads saw that the government was placed in the wrong by this violation of a right of neutral vessels for which America had so long been ready to fight. England, too, had always prided herself particularly on affording refuge to politi-

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<sup>1</sup> This was before the Reform Bill of 1867, which first made England a democracy. Cf. *Modern World*, §§ 745-750.

<sup>2</sup> One of America's chief representatives in Europe at the time,

cal offenders from other lands ; and there was now a burst of sincere indignation in that country. The government used the opportunity to go far in showing Southern sympathies. Troops were hurried off for Canada, and a peremptory demand was made for the surrender of the prisoners and for an apology — softened though the form of the note was, from the original draft, through the influence of the Prince Consort and the Queen. After unwise delay, due to fear of popular feeling, the American government yielded. The people of the North acquiesced ; but their bitterness toward England was intensified.

**689.** In another incident of more serious nature, **the English government was deeply at fault.** In the early years of the war, the South succeeded in getting a few cruisers to sea, to prey upon Northern commerce. The most famous one never entered a Confederate port. This vessel was built in England. The United States minister there, Charles Francis Adams, warned Lord Russell of the purpose of the vessel as it neared completion ; but Russell was blandly incredulous, and trusted to reports of his subordinates and to the assurances of the builders that the vessel was a peaceful one. Thus the *Alabama* was allowed to escape to sea, where she took on her armament and soon became a terror to the Northern merchant marine — until she was overtaken and sunk by the *Kearsage*. The North was inclined to believe that the English government acted in bad faith. But it is now certain that Russell was guilty only of culpable negligence — for which his country afterward atoned so far as possible by paying the “Alabama claims” (§ 712 c).

More serious still would have been the barely defeated project of the South to build two iron-clad rams in England, with which to break the blockade. These formidable vessels were nearly ready for sea ; and Mr. Adams’ remonstrances apparently had moved Lord Russell only to ineffectual precautions. At the last moment, Adams wrote to Russell, “*It would be superfluous for me to point out to your lordship that this is war.*” But Russell had already awakened, and had just given effectual orders to seize the vessels.

**690.** France, too, felt the lack of cotton, though far less than England, and the Emperor Napoleon III would have liked to see the Union broken up, so as to give him a free hand in Mexico (§ 712 *b*). Accordingly, he made specific proposals to the English government to join hands in recognizing the South and breaking the blockade. **These repeated overtures were always refused by England.** With perfect right, Cobden wrote to Sumner (Morley's *Cobden*, II, 408): "You must not forget that we have been the only obstacle to what would have been almost a European recognition of the South."

Then, after the Emancipation Proclamation had put the North in the true light in the matter of slavery, English hostility was hushed. English workingmen thronged great public meetings to voice loud enthusiasm for the Union; and Cobden wrote jubilantly that any ministry which should dare to commit any act unfriendly to America would be instantly driven from power.<sup>1</sup>

**691.** *The North*, then, had some cause to blame the government and the aristocracy of England. It *had greater cause*, not always duly recognized, *for deep gratitude to the sound heart of the English masses*, who felt dimly that the Union was fighting slavery, even while Unionists denied it loudly, and who therefore gave the North a heroic support through cruel privations — in many ways as severe as those borne by Americans. Says Von Holst of this matter: "*The attitude of the English workingmen is one of the great deeds in the world's history.*" They stood nobly by the cause of democracy and free labor, as their own cause; and their attitude was so determined that, even though they had no votes, their aristocratic government did not venture to take offensive action against America. It should be remembered, too, that, in the darkest hour, there were not wanting English leaders, like Richard Cobden, John Bright, and John Stuart Mill, to give enthusiastic support to the North.

**692.** The war cost more than 700,000 lives, — the loss nearly even between North and South. "The nation was lastingly impoverished by that awful hemorrhage." As many men more had their lives sadly shortened or rendered miserable by disease

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<sup>1</sup> On this topic, see Rhodes, III, 417-429, IV, 76-92, 337-394.

or wounds. Other darkened lives, in homes from which the light had gone out, cannot be computed. Nor can we count the heaviest cost of all, the lowering of moral tone, and the habits of vice, that came from life in camp and barracks.<sup>1</sup> *In money*, the war cost the Union government about three and a half billions, nearly three billions of which remained as a huge national debt to plague the next generation. The destruction



Brady Photograph.

WINTER QUARTERS OF THE CONFEDERATE ARMY OF NORTHERN VIRGINIA, CENTREVILLE, VA., 1862.

of property, *principally in the South*, amounted to nearly as much more.

**693.** Still, this expenditure of blood and treasure was well worth while. The war struck shackles from four million men. It ended forever the ideas of constitutional nullification and of peaceful secession. It decided, beyond further appeal, that the United States is a Nation, not a confederacy. *It was the means*

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<sup>1</sup> The women and other non-combatants of both South and North spent themselves nobly in hospital service; but science did not know how to heal or to protect, as it does now. And the splendid work of our many organizations in the present war (1918) to provide material comforts and mental recreation and uplift were almost wholly lacking.

*whereby the more progressive portion of the country had to force its advanced political thought and its better labor system upon the weaker, stationary portion.* It prevented the break-up of the country into squabbling communities, to be engaged in incessant bickerings over trade and boundaries, and it preserved the vast breadth of the continent for peace. It demonstrated to



*Brady Photograph.*

HEADQUARTERS OF THE ARMY OF THE POTOMAC, AT BRANDY STATION,  
APRIL, 1864.

skeptical European aristocracies that the great Republic was not “a bubble,” but “the most solid fact in history.”

**694.** One part of the cost is yet to be counted. April 14, 1865, while the North was still blazing with illuminations over the surrender of Lee's army, it was plunged into gloom by the **assassination of Lincoln**. The great President was murdered by a crazed actor, a sympathizer of the South. No man was left to stand between North and South as mediator, and to bind up the wounds of the Nation with great-hearted pity and all-suffic-

ing influence, as Lincoln could have done. His death was an incomparable loss to the South. It added fierce flame to the spirit of vengeance at the North, and it explains in part the blunders and sins of the Republican party in the "Reconstruction" that followed the war.

FOR FURTHER READING.—The best *military* story in brief form is Dodge's *Bird's-eye View of the Civil War*. Details are given in an interesting series of articles, "Campaigns of the Civil War," written by generals of both sides, in the *Century*, VII-XIII.

Other phases of the war, with considerable attention to campaigns, are treated briefly and clearly in Paxson's *Civil War* ("Home University" series). *This is the best one volume for a student to read*. The great history of the period is Rhodes' seven volumes, *The History of the United States after 1850*. That work should be accessible in the larger schools for reference. Ida Tarbell's *Lincoln*, Morse's *Lincoln*, Hart's *Chase*, Lee's *General Lee*, and Davis' *Jefferson Davis* are among the best biographies for high school use.

Illustrative material is abundant, — such as Eggleston's *Rebel's Recollections*; Page's *Among the Camps and Burial of the Guns*; Frederic's *Copperhead*; Louisa Alcott's *Hospital Sketches*; and Avary's *Virginia Girl in the Civil War*.

## CHAPTER LIX

### RECONSTRUCTION

**695.** PEACE brought new problems. The North paid off its million men under arms, and sent them to their homes at the rate of one or two hundred thousand a month. At the close of 1865, only some fifty thousand remained, to garrison the South. The disbanded "old soldiers" found place in the industry of the country without disturbing the usual order. In part this remarkable fact was due to "free land." Many thousands who saw no opening in their old homes became "homesteaders" in the West. The government, too, sharply reduced *internal taxes*. At the same time, after 1869, it cut down the huge national debt resolutely — so that by 1890 half of it had been paid, including the paper money.

**696.** For the wrecked South, the problems were infinitely more difficult. Its "old soldiers" toiled homeward painfully, mostly on foot, from Northern prison camps and from surrendered armies. In some districts, remote from the march of the Union armies, there was still abundance of food, with the Negroes at work in the fields; but over wide areas the returned soldier found his home in ashes, his stock carried off, his family scattered, the labor system utterly gone. Many an aristocrat, who in April had ruled a veteran regiment, in July was hunting desperately for a mule,<sup>1</sup> that he might plow an acre or two, to raise food wherewith to keep his delicately nurtured family from starvation. The destruction of bridges and tearing up of

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<sup>1</sup> At Lee's surrender, General Grant, with characteristic good sense and generosity, had told the men to keep their horses, which, said he, they would need for the spring work. This practice, followed by other Union commanders, lightened in some slight degree the suffering of the South.

railroads left the various districts isolated ; and industrial life had to be built up again from primitive conditions. No praise is too great for the quiet heroism with which the men of the South set themselves to this crushing task.

Before the end of the war, *the Negroes* had begun to flock to the Federal camps ; and, in March, 1865, Congress had found it necessary to establish a "*Freedman's Bureau*," — to feed these helpless multitudes, to start schools for them, and to stand to them in the place of guardian. This organization rendered great service ; but, in spite of all it could do, hundreds of thousands of ex-slaves drifted aimlessly about the country for months. To many of them, freedom meant chiefly idleness. Others had caught up a strange delusion that the government was going to give to each one "forty acres and a mule." When starvation finally drove them back to desultory work, the habits they had formed led to much violence and crime.

*Political organization* was more completely wrecked even than the industrial system. The military government *preserved order* in the South ; but civil liberties were in doubt, and *civil government was lacking*.

**697.** The problems for the South were (1) to find food for its people ; (2) to protect and control and uplift the Negro and bring him back into the industrial system ; (3) to build new State governments ; and (4) to restore these reconstructed States to their old relation to the Union. Unfortunately, in practice, *the second and third of these problems had to depend upon the fourth* ; and this problem the victorious North, after the assassination of Lincoln and the return of its emaciated prisoners, was in no mood to solve in the best way. It followed that for twelve years (1865-1877), though war had ceased, a "*state of war*" continued. The South was garrisoned by Federal troops, and much of it was ruled by conquering generals, as though it were a hostile country.

**698.** Lincoln had held that the "States" could not go out of the Union, and that their normal relations to the Union were merely interrupted temporarily by illegal "combinations of individuals." Even while the war was in progress, he had tried to "reconstruct" such States as had been occupied by the

Union armies. "Louisiana," said he, in 1862, when the Confederate armies had been driven from that State, "has nothing to do now but to take her place in the Union as it was — barring the broken eggs." In 1863 he issued a proclamation of amnesty for all Southerners (with a few specified exceptions) who would take an oath of allegiance to the Union; and he promised to recognize any State government set up by such persons,—if only they made 10 per cent of the number of voters of 1860.

**699.** But more "radical" Republicans began to fear that the "rebels," getting back so easily into the Union, might win control of the Federal government and undo the results of the war. So in July, 1864, Congress passed the "Davis-Wade bill," (1) to make the process of reconstruction more difficult, and (2) to place control of it in Congress. Lincoln killed this bill by a pocket veto; and during the summer recess of Congress, upon his own responsibility, he "recognized" the "ten per cent governments" in Arkansas, Louisiana, and Tennessee. Later, like action was taken for Virginia. But Representatives and Senators from these States had not been admitted by Congress when Vice President Johnson became President.

**700.** Andrew Johnson was the son of "Poor White" parents, and had learned to write only after marriage, from his wife. His youth was passed as an apprentice to a tailor, and he afterward followed that trade (§ 547). He had great native ability and a rugged integrity. Even in the aristocratic South, before the war, he had risen from his tailor's bench to the governorship of his State and to a seat in Congress. He had never been a Republican; but he had been a devoted "Union man" in Tennessee, and in 1863-1864 he had shown courage and force of character as military governor there under Lincoln. The Republican National Convention of 1864 nominated him for the Vice Presidency as a recognition of their debt to the "War Democrats."

With all his ability and honesty, Johnson never made good the defects of his early training. He was unduly pugnacious, sadly

lacking in tact and good taste, and much given to loud boasting and to abusive speech. Always bitter toward opponents, he had been particularly bitter toward "rebels," so that Radical Republicans, though shocked at Lincoln's death, felt that the country was now safer. As soon as Johnson had taken the oath of office, a committee of the Republican extremists called upon him. Senator "Ben" Wade greeted him: "Johnson, we have faith in *you*. By the gods, there will be no trouble now in running the government."

**701.** Soon, however, Johnson amazed and disappointed his "Radical" friends by taking up reconstruction just where Lincoln had left it — but with infinitely less chance of success. Before Congress met in December, he "recognized" State governments in all the remaining States of the old Confederacy, essentially on Lincoln's plan.

In each State a convention *repealed the ordinance of secession, repudiated any share in the Confederate war debt*, and adopted a constitution. Under this constitution, the people chose a legislature and a new governor. The legislature was required, before the State government was "recognized," *to ratify the Thirteenth Amendment*. Thereupon President Johnson proclaimed civil government fully restored. *The legislatures then passed laws to restore industry, and chose Senators and Representatives for Congress* — who, however, were never to take their seats.

**702.** The North was taking alarm. In the "reconstructed" States, the governors and Congressmen were ex-Confederate generals. Such men were the only natural leaders of their people; but the North could not understand this fact, nor could it believe that these "rebel brigadiers" had accepted the result of the war in good faith.

More cause for irritation was found in the laws of the reconstructed legislatures about the freedmen. In at least three States, a magistrate might arrest an idle Negro as a vagrant, fine him, and *sell him into service* to work out the fine. In some States a like penalty was imposed for petty larceny;

and a common feature of these "Black Codes" was the provision that a court might "apprentice" Negro minors.

The Southerner felt sure that the demoralized Blacks could not be kept in order or made self-supporting without such laws; and most of this legislation is approved to-day by Northern scholars.<sup>1</sup> But at the moment it seemed to the North a defiant attempt to reënslave "persons of color." Northern opinion, therefore, demanded that all the "Presidential reconstruction" should be undone, until the Southern States should repeal the "Black laws" and *grant the franchise to the Blacks*, — to enable those wards of the nation to protect themselves.<sup>2</sup>

**703.** In Congress, Senator Sumner held that the Southern States, by secession, had "committed State-suicide" and had reverted to the position of Territories, subject of course to *Congressional* regulation. In the lower House, Thaddeus Stevens insisted upon the more extreme view that the South was a "conquered province," so that its people had no claim even to civil rights. Sumner was an unselfish idealist, but unpractical and bigoted, with the one idea of doing justice to the Negro. Stevens was an unscrupulous politician and a vindictive partisan, determined to entrench Republican rule by Negro majorities in Southern States, and not averse incidentally to punishing "rebels." The spirit of reckless retribution which stained the National legislation of the next months was due mainly to his

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<sup>1</sup> "This legislation, far from embodying any spirit of defiance towards the North . . . was in the main a conscientious and straightforward attempt to bring some sort of order out of the social and economic chaos." — Dunning, *Reconstruction* ("American Nation" series), 57-58. "The trend of legislation . . . was distinctly favorable to the Negro." — Rhodes, VI, 27.

<sup>2</sup> Lincoln had advised his reconstructed governments that they would do well to give the franchise to Negroes *who had fought for the Union or who could pass an educational test*; and President Johnson repeatedly urged a like policy. But no one of the reconstructed legislatures paid attention to such counsel. For this there is little wonder. Only six Northern States allowed the Negro to vote at this time, and in this same year (1865), State conventions in Wisconsin, Connecticut, and Minnesota refused the privilege. Again, in 1867-1868, Minnesota, Michigan, Ohio, and Kansas, *by popular vote*, rejected constitutional amendments providing for Negro suffrage.

harsh influence. And more and more, as the contest progressed, the Republican majority in Congress was actuated also by a desire to humiliate the President.

At the first roll call of the new Congress, the clerk, under Stevens' direction, omitted the reconstructed States, so that their representatives were not recognized. Later, the question of the readmission of those States to the Union was referred to a joint committee of the two Houses,—which then held the matter skillfully in abeyance. Meantime, over the President's veto, a Civil Rights Bill placed the civil equality of the Negro directly under the protection of the Federal courts—rather than of the State courts. Then, to make the same principle still more secure, Congress submitted to the States the *Fourteenth Amendment*.

This measure held out to the South an inducement to give the suffrage to the Negro—in the provision that if a State denied the suffrage to any citizens, its representation in Congress might be correspondingly reduced. But it also disqualified from office large classes of leading Southerners such as made up the reconstructed governments. Accordingly it was promptly rejected by Southern legislatures.

**704. Congress then** (March 2, 1867) **began its system of Reconstruction.** It divided the old Confederacy (except Tennessee, which had ratified the Amendment) into *five military districts*. Each district was placed under an army general, who, in practice, set aside at will the laws of the existing Southern legislatures, overruled the decisions of courts, *appointed* municipal authorities, and aimed in general to exercise a minute paternal despotism. This military rule was to continue until the following process should be complete: (1) Each commander was to register the voters in each State in his district, *including the Negroes and excluding certain large classes of leading ex-Confederates*. (2) State conventions, *chosen by these voters*, must ratify the Fourteenth Amendment and (3) adopt new State constitutions,—which must be satisfactory to Congress and which, in particular, must *provide for future Negro suffrage*.

(4) These constitutions must then be ratified by the registered voters. (5) A state which complied with these requirements might be readmitted to the Union by Congress.

By June, 1868, six States had been reconstructed on this basis. Virginia, Mississippi, Georgia, and Texas preferred military rule for three years more. Meantime Congress added the *Fifteenth Amendment* to the requirements for readmission.

**705.** Annoyed by Johnson's veto messages, Congress now determined to impeach him. Johnson had been foolish and coarse; but he had administered his high office with scrupulous fidelity, and had enforced vigorously even the laws he most disapproved. The impeachment was a frank attempt to depose him *because he differed with the majority of Congress*. It failed (May, 1868) for want of one vote; but every Northern Senator who voted against this partisan degradation of the presidency lost his seat at the first subsequent election. The North was even more mad than Congress.

**706.** A few months later, the Republicans elected General Grant to the Presidency in an enthusiastic campaign, by 214 electoral votes to 80. Still in the popular vote, Grant had a majority of only 300,000 out of 6,000,000. Part of the Southern States, too, were still unreconstructed, and had no vote; while the others were controlled by Republican "carpetbaggers" (below).

**707.** Meantime, the atrocious Reconstruction Acts had been followed by **anarchy and misgovernment in the South**. In a few weeks, thousands of Northern adventurers, drawn by scent of plunder, had thronged thither to exploit the ignorant Negro vote and to organize it as the Republican party.<sup>1</sup> These *carpetbaggers*, joined by a few even more detested *scalawags* (Southern Whites, largely of the former overseer class), with grossly ignorant ex-slaves, made up the bulk of the constitutional conventions and of the State legislatures that followed.

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<sup>1</sup> A favorite device, when one was needed, was to show the illiterate and credulous Negroes an "order" purporting to be signed by General Grant, commanding them to vote the Republican ticket.

Says Woodrow Wilson, "A carnival of public crime set in under the forms of law." Irresponsible or rascally legislatures ruined the war-impoverished South over again by stupendous taxes, *bearing mainly on the property of the disfranchised Whites*. In Mississippi a fifth of the total area of the State was sold for unpaid taxes. In New Orleans the rate of taxation rose to 6 per cent, which meant confiscation. Enormous *State debts*, too, were piled up, to burden the future. *Crime* against individuals was rampant; and vicious Negroes heaped indignities upon former masters. History has no parallel to this legal revolution whereby a civilized society was subjected to ruin and insult by an ignorant barbarism led by brutal and greedy renegades. Says Rhodes (*History*, VI, 35): "Stevens' Reconstruction Acts, ostensibly in the interests of freedom, were *an attack on Civilization*."

**708.** The Southern Whites, it should have been foreseen, would soon overthrow this vile supremacy, or perish. Peaceful and legal means for preserving White civilization there were none; open rebellion against Negro domination, while it was supported by Federal bayonets, was equally impossible; and so the Whites had recourse to the only available methods, — which were very deplorable ones.<sup>1</sup> **Secret Ku-Klux-Klans intimidated Negro majorities** by mysterious warnings; and midnight patrols of white-robed, masked horsemen flogged many men and hanged some. By the close of 1870, the North *in law* had imposed its system of reconstruction upon the South: *in actual fact*, the South was rapidly carrying out a **counter-revolution**.

**709.** In 1872 public feeling at the North compelled Congress to restore political rights to the ex-Confederates except for a few leaders, and the union of the Whites in one party gave them a majority in most States over the Negroes. Thereafter

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<sup>1</sup> Says William Garrett Brown (*Lower South*), "Never before had an end so clearly worth fighting for been so clearly unattainable by any good means."

they used little violence; but they continued to exclude most Negroes from the polls by threats of non-employment or by persuasion or by vague intimidation.

For a while, the Federal government secured the victory of Carpetbag State governments by giving them the use of Federal troops at the elections; but this process became increasingly distasteful to President Grant and to the country. *By 1875, Tennessee, Virginia, Georgia, and North Carolina had reverted to White Rule*; and the other Southern States did so in the election of 1876 or as a result of the settlement following that election (§ 719).

**710.** Throughout "Reconstruction," Congress showed a high-handed determination to override the Judiciary, as it overrode the Executive, whenever necessary to carry its point. It had suspended the writ of *Habeas Corpus* in the North during the war, and had authorized the punishment of suspected "rebel sympathizers" by *military courts*. While the war lasted, the Federal judiciary had been unwilling to interfere with these courts martial, dangerous as they were to private liberty; but in 1866 the Supreme Court did at last declare that all such military commissions for the trial of citizens, in districts where the ordinary courts were open, had been unconstitutional.

The "Radical" majority in Congress feared that the Court would go on to upset their program for military rule in the South, and raved wildly against the decision. Stevens at once introduced a bill to make it impossible for the Court to set aside laws of Congress thereafter *except by a unanimous vote*. The bill was not pressed to a vote, but was held over the Judiciary as a threat. The Court, accordingly, grew cautious. When President Johnson's reconstructed State governments appealed to it for protection against the military rule set over them by the Reconstruction Acts, it declared it had no jurisdiction in such "political cases." At a later period, however, in the famous "Slaughter House cases" of 1883, it did take from the Negroes the security for civil equality which the Fourteenth Amendment had been intended to give them. Since that time the

social relations of the Blacks have been regulated by State governments. (Cf. § 720.)

**711.** The “Legal Tender decisions” showed another way in which the Supreme Court *might* be subject to control in times of strong popular feeling. The Legal Tender Act of 1862 (§ 673) had made “greenbacks” lawful pay *even for debts contracted before the passage of the law*. This provision of the law the Court declared unconstitutional, February 7, 1870. Chief Justice Chase, who as Secretary of the Treasury had devised the law, wrote the decision; and the vote stood *four to three*.

But one Justice had died just before, and Congress had provided for one additional new member. President Grant now filled both places—the day this decision was handed down. A new case was promptly brought before the new Court. The new appointees voted with the former minority, and the law was upheld, *five to four*.

Loud complaint was made—even by the Chief Justice—that the President and Senate had “packed the Court” to secure this reversal. In the grossest form, this accusation was certainly untrue. The nominations had been settled upon before the first decision was made public. But the country was sharply divided upon the issue, and the stand of the nominees on the matter was known before they were confirmed. The rising labor parties charged that the appointment was influenced, in part at least, by great corporations whose long-term bonds, about to expire, would have had to be paid in gold under the first decision, but which they now paid in the depreciated greenbacks—gaining millions for corporation coffers.

**712.** The Reconstruction period saw three important incidents connected with **foreign relations**.

a. In Johnson’s administration, the United States bought from Russia, for \$7,200,000, the immensely rich realm of *Alaska*—then valued mainly for its furs.

b. The same administration victoriously vindicated the Monroe Doctrine. During our war, England, France, and Spain had united in a military “demonstration,” to secure from

*Mexico* the payment of debts due their citizens. England and Spain soon withdrew from the movement because it became plain that Napoleon III of France was aiming at much more than collection of debts. Then Napoleon established Maximilian, an Austrian Archduke, as Emperor of Mexico, and maintained him there by a French army, in spite of vigorous protests from Washington.

At the close of the war, however, American troops were massed on the Rio Grande; and Napoleon withdrew his army. Then the "Emperor" was captured and shot by the Mexican Republicans (1867).

c. Much bitterness was still felt toward England for her government's conduct in the matter of the *Alabama* (§ 689). But in 1867 a franchise reform in that country put power at last in the hands of the workingmen, and a new British ministry showed a desire for a fair settlement between the two nations. In the *Treaty of Washington* (1871), England apologized gracefully for any remissness on her part in permitting the Confederate cruiser to escape, and the question of liability for damages was submitted to arbitration.

A Tribunal of Arbitration met at Geneva,—one member appointed by each of the five governments, the United States, England, Switzerland, Italy, and Brazil. At first the American government claimed huge "indirect damages"—for the cost of pursuing the *Alabama*, the longer continuance of the war, and the increased rates of insurance on merchant shipping. The Tribunal threw out these claims; but it decided that England had not shown "due diligence" in preventing the sailing of the *Alabama*, and that she was therefore responsible for all damages to American commerce committed directly by that privateer. England paid to the United States the award of \$15,500,000, to be distributed by us to the owners of destroyed property. The amount proved to be excessive, since claimants for much of it could never be found; but the settlement was honorable to both nations, and it made the greatest victory up to that time for the principle of arbitration.

FOR FURTHER READING. — The best one-volume account of Reconstruction is Dunning's *Reconstruction* ("American Nation"); but that volume is rather long, and in many places, rather difficult, for the average high school senior. A briefer recent account may be found in the first eighty pages of Haworth's *Reconstruction and Union* ("Home University Library") or in the last sixty of Dodd's *Expansion and Conflict*. Rhodes' great history (vols. V-VII) remains the standard authority. Desirable biographies for high school use are Woodburn's *Thaddeus Stevens*, or McCall's *Thaddeus Stevens*, and Hart's *Chase*, 319-435 (especially good for the matter of the Judiciary).

The best *fiction*, for the Southern side, is Page's *Red Rock*, which every Northern student should read. Mention should be made also of Tourgee's *Fool's Errand*, Cable's *John March*, and Octave Thanet's *Expiation*.

## CHAPTER LX

### THE CLOSE OF AN ERA

**713.** In 1872 the Republicans began to divide on the question of military rule in the South. The conviction was growing that the North needed its energies at home. A "Liberal Republican" Convention nominated *Horace Greeley* for the presidency, on a platform calling for civil-service reform and for leaving the South to solve its own problems. The Democrats accepted program and candidate; but they felt no enthusiasm for Greeley, a life-long, violent opponent,—and the "regular" Republicans reelected Grant triumphantly.

**714.** His second term, however, proved a period of humiliation for the simple-minded soldier. His confidence was abused basely by political "friends," and he showed himself a babe in their unscrupulous hands. The public service had become honeycombed with corruption. In 1875 *Benjamin H. Bristow*, Secretary of the Treasury, unearthed extensive frauds whereby high officials had permitted a "Whisky Ring" to cheat the government of millions of the internal revenue. Babcock, the President's private secretary, was deeply implicated, and Grant showed an ill-advised eagerness to save him from prosecution, while he allowed the friends of the convicted criminals to drive Bristow from office. Grant, himself, on a visit to St. Louis, had been lavishly entertained by a leading member of the "ring," and had even accepted from him a gift of a fine span of horses.

In 1876 Belknap, *Secretary of War*, was found to have accepted bribes, year after year, for appointments to office in the department of Indian affairs. Of course the officials who paid the bribes had enriched themselves by robbing the Indians. The Democratic House (see elections of 1874, below)

began to impeach Belknap, but the President permitted him to escape punishment by hastily accepting his resignation. Low, however, as the honor of the government had fallen, no one imputed personal dishonesty to the President.

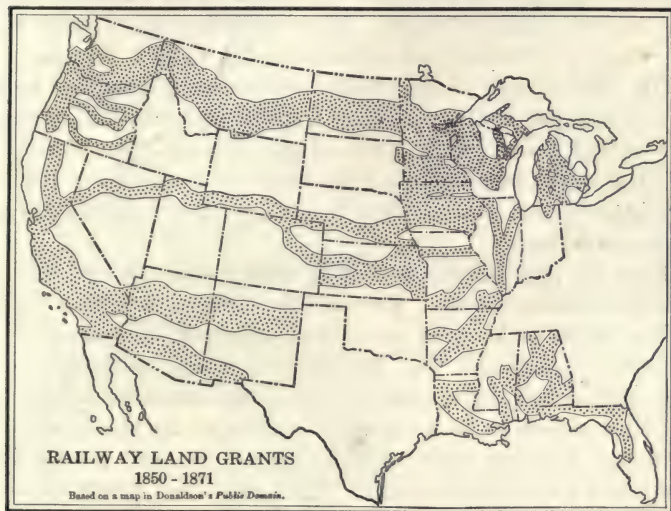
**715.** The main proof of corruption in Congress was connected with the *Union Pacific Railroad*. For ten years before the Civil War, ever since the discovery of gold in California, the country had discussed the building of a transcontinental railway. In 1862 Congress gave *right of way* through the Territories from Omaha to California, to a corporation known as the Union Pacific,—with a grant also of *twenty square miles of land along each mile of road*, and a “loan” of \$50,000,000. In 1869 the two lines, building from the east and from the west, met in Utah.

The nation had been so dazzled by the romance of carrying an iron road from ocean to ocean through two thousand miles of “desert” that it had been exceedingly careless of its own interests. The fifty million dollar loan was inadequately secured, *and never repaid*. That sum, with the land grants, more than built the road—which, however, was left altogether in private hands.

The only new feature about this was the huge size of the grant. As early as 1850, Congress gave Illinois 3,000,000 acres from the Public Domain within that State for the Illinois Central Railroad. The State legislature then transferred the grant, as was intended, to the company building the road. Immense grants of like character were made to other Western States. In 1856 twenty million acres were given away. Mild attempts by the legislatures and by Congress to couple the gifts with conditions to secure the public interest achieved little success. After the war, still more immense gifts were made, by Congress directly, from the Domain in the Territories. In the shaded part of the map opposite, *every alternate section* was granted for the construction of some road. (Texas had no National land within it; and none was granted in Oklahoma, then Indian Territory.) The huge *State* grants are not shown on this map.

**716.** Worse than this *waste* of the people’s property was a *steal* within the Company. A group of leading stockholders of

the Union Pacific formed themselves into an "inside" company known as the **Credit Mobilier**. Then, as stockholders of the Union Pacific, they looted that company by voting their Credit Mobilier extravagant sums for constructing the road. This was



the first notorious use of a device that the coming decades were to make disgracefully familiar.

• **717.** And worse than this steal by private individuals was the accompanying corruption in Congress. The Credit Mobilier feared that its robbery might be stopped by Congressional action. To prevent that, it gave shares of its highly profitable stock, or sold them far below market rates, to Congressmen. Oakes Ames, the agent of the Company, wrote his associates that he had placed the shares "where they will do us the most good." The matter leaked out; and Congress had to "investigate." It censured two members, against whom it found absolute proof of corruption, and excused from punishment various others, smirched in the transaction, on the peculiar ground that they had not *understood* that Ames meant to corrupt them.

Still others, including the Vice President, were left under grave suspicion.

Even after this, Congress proved reckless enough to pass the "*salary grab*." That scandalous Act raised the pay of all members and *applied to the past two years*. This was more than the country could stomach. Many members who voted for the "back pay" never had a chance to draw any future pay.

**718.** The people of the North were growing weary of military rule in the South, and they were sickened by the corruption in high places in the National government. The elections of '74 gave the Democrats a large majority in the lower House of Congress, and placed them in control in several Northern State governments.

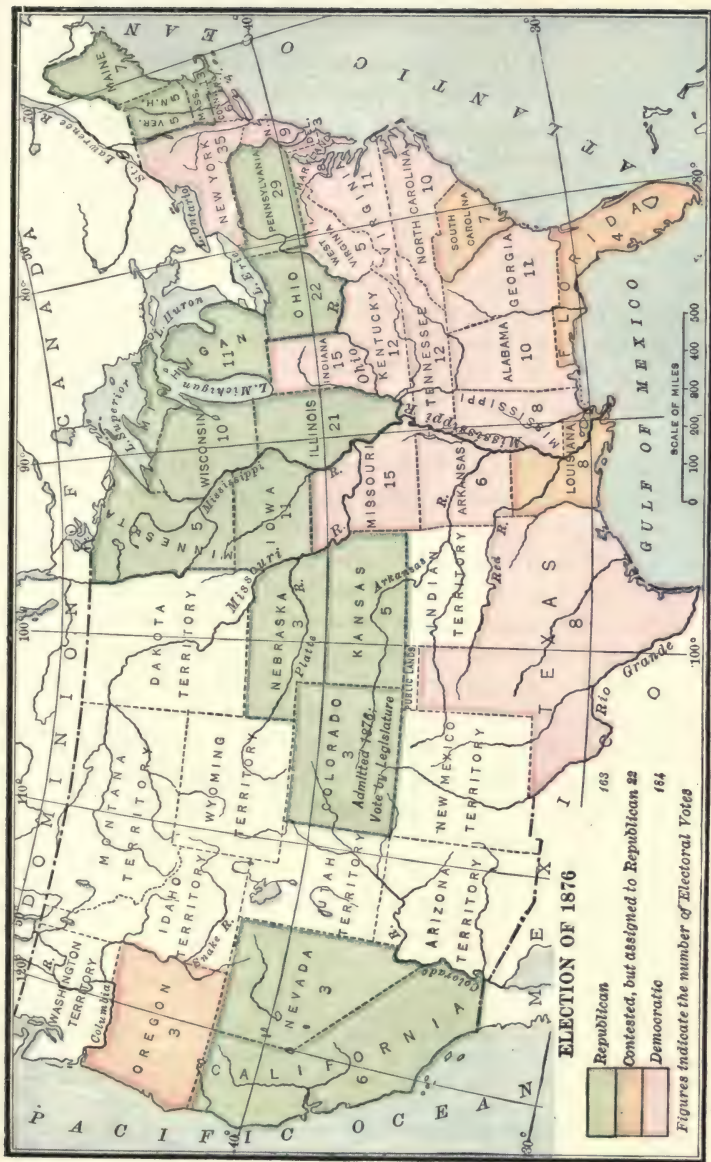
Then the presidential **election of 1876** closed the long era of political reconstruction. The Democrats nominated Samuel J. Tilden of New York, a prominent reformer, and adopted a "reform" platform. The Republicans named as their candidate Rutherford B. Hayes<sup>1</sup> of Ohio, and appealed chiefly to war-time prejudices by a vigorous "waving of the bloody shirt."

On the morning after election, papers of both parties announced a Democratic victory. That party had safely carried every "doubtful" Northern State (New York, New Jersey, Connecticut, and Indiana), and, on the face of the returns, they had majorities in every Southern State. They claimed 204 electoral votes to 165.

But in Louisiana, Florida, and South Carolina, carpetbagger governments, hedged by Federal bayonets, would have the canvassing of the returns, and they were promptly urged by des-

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<sup>1</sup> James G. Blaine, for many years preceding 1874 the Speaker of the House, had been a leading candidate. Shortly before the convention met, however, he was accused of complicity in the Credit Mobilier scandal. The evidence was supposed to be contained in letters from Blaine to a certain Mulligan. On pretense of examining these letters, Blaine got hold of them and never permitted them to pass again from his hands. He read parts from them in a dramatic "justification" of himself before the House; but the "Mulligan Letters" made this "magnetic" statesman thereafter an impossible candidate for National favor.





perate Republican politicians in the North to secure a favorable count. The carpetbagger officials proved easily equal to the emergency. On the alleged ground of fraud and of intimidation to Negro voters, they threw out the vote of enough districts to declare the Republican electors chosen.<sup>1</sup> In Oregon one of the Republican electors who had been chosen proved to be a postmaster; but the Constitution declares Federal officials ineligible to such position. In these four States two sets of electors secured credentials from rival State governments or conflicting officials, and double sets of votes were sent to Washington. Twenty votes were in dispute. Hayes could not be elected *without every one of them*. *Any one* of them would elect Tilden.

**719.** How should it be decided which sets were valid? The Constitution was unhappily vague. Congress could not easily agree upon a law, because the lower House was Democratic and the Senate Republican. Injudicious leadership might easily have plunged the Nation again into civil war, which this time would not have been sectional. Finally (January, 1877), Congress created the famous **Electoral Commission** of fifteen, to pass upon the disputes,—five members chosen by the House, five by the Senate, and five justices of the Supreme Court, of which last five three were Republicans. After many painful weeks, *by a strict party vote*, the Commission decided every disputed point in favor of the Republicans. The end was reached only two days before the date for the inauguration of the new President.

The "eight to seven" decisions became a by-word in politics, and they are generally regarded as proof that even members

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<sup>1</sup> Louisiana was perhaps the most trying case. There the Democratic ticket had a majority of more than 6000, in spite of the fact that the carpetbagger officials freely employed "perjury, forgery, and shameless manipulation of the returns before publication" (Dunning, *Reconstruction*, 316). But the canvassing board "threw out returns on vague rumor and unsupported assertion," and "ignored technical irregularities in returns that favored Republicans, but used the same defects as a ground for rejecting returns that favored the Democrats." Such methods manufactured a Republican majority of 3500.

of the Supreme Court were controlled by partisan bias. But this discreditable result was more than offset by the notable spectacle of half a nation submitting quietly, even in time of intense party feeling, to a decision that had the form of law. Rarely, in any country, has free government been subjected to such a strain — or withstood one so triumphantly.

After all, the South reaped the fruits of victory. President Hayes at once removed the Federal garrisons. Then the State governments to which his election had been due immediately vanished, and *the South was left to work out its salvation for itself as best it could.*

**720.** Slavery and the blunders of Reconstruction have left America burdened with a **frightful race problem.** Southern Whites have continued to agree in the necessity for keeping the Negro from the polls, — at least wherever his vote might be a real factor, — *and that race remains (1917) practically destitute of political privilege.* To keep it so, there has been created and preserved for a third of a century "*the Solid South,*" in close alliance with the Democratic party, without the possibility of natural and wholesome division upon other issues.

In 1890 the Republicans in Congress attempted to restore Federal supervision of congressional and presidential elections. The "Lodge Force Bill" failed, partly from the opposition of Northern capital invested now in Southern manufactures (§ 727). But the South took warning, and began to protect its policy by the *forms* of constitutional right. The States adopted property qualifications and educational tests for the franchise.<sup>1</sup> These qualifications, in practice, are invoked *only against the Negro*, not against the illiterate White. Sometimes the latter is protected further by the notorious "Grandfather

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<sup>1</sup> Mississippi led off (1890) by prescribing payment of a poll tax and the ability to read or *understand* the Constitution. Only 37,000 of the 147,000 adult Negro males could read; few of these paid the tax; and White officials decide whether a would-be voter understands the Constitution; only 8615 Negroes registered for the next election.

clause," expressly declaring that the restrictions shall not exclude any one who could vote prior to January 1, 1861, or who is the son or grandson of such voter. An extreme provision of this sort in Oklahoma has just been declared unconstitutional by the Federal Courts (March, 1916).

**721.** On the side of civil equality, as we have noted, *the Fourteenth Amendment is even more a dead letter*. Just at the close of Reconstruction (in 1875), Congress made a final attempt to secure for Negroes the same accommodations as for Whites in hotels, railways, and theaters. In 1883, however, the Supreme Court declared the law unconstitutional when in conflict with State authority (§ 710). Accordingly, the two races in the South live without social mingling.

The special cry of the South is "race integrity." Inter-marriage, it is insisted, shall not be permitted. Therefore there must be *no* social intercourse on terms of equality. Many leaders of the Negro race, too, like the late Booker Washington of Tuskegee and his successor, Charles Moten, desire social segregation for the present,—but with a difference. To the White, Negro segregation means Negro inferiority. To these Negro leaders separate cars and separate schools for their people mean a better chance for the Negro to "find himself"; but they insist that the "Jim Crow car" shall be cared for and equipped as well as the car for Whites who pay the same rates, and that Negro schools shall receive their proportion of State funds and attention. As yet, this goal remains far distant.

Southern States authorize cities to shut out Negro homes from residential districts which they choose to reserve for Whites. The Supreme Court has just declared these laws void (November, 1917) — *but on the ground that the (White) owner must not be deprived by the State of his right to sell his property in such districts in any way he thinks most profitable*. It does not yet appear that the decision seriously threatens "Jim-Crowism."

## PART XII

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### A BUSINESS AGE: 1876-1916

**722.** The forty years between Reconstruction and the World War belong to "contemporary history." Leading actors are still living; and causes and motives in many cases are not



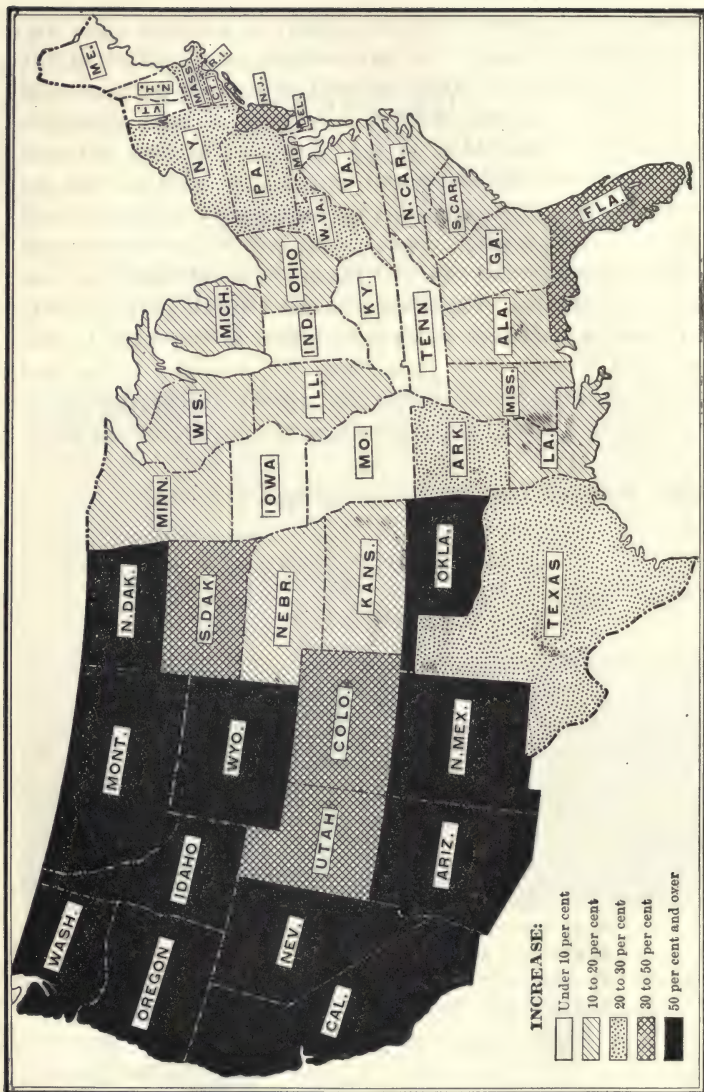
THE CAPITOL AT WASHINGTON.

yet surely known. The two great phases are (1) an *enormous economic and industrial growth*, and (2) *the rising struggle between the people on the one side, and great wealth, fortified by special privilege, on the other.*

Wealth is supported by vast numbers of a middle class who feel dependent upon it. The labor unions, small as their enrollment is in comparison with the total number of workers, hold the first trench on the other side, because of their admirable organization. Both sides, on the whole, are honest; but each believes the other dishonest and unpatriotic. Neither can get the other's viewpoint; and each has been guilty of blunders and of sins. Privilege believes that the welfare of the country rests on business prosperity, and that the government ought to be an adjunct of business. Labor regards this attitude as due merely to personal greed, and, on its side, wishes government to concern itself *directly* with promoting the welfare of men and women. The student of history may hope that this class war is only a necessary stage in progress toward a broader social unity.

### 723. Reference Table for Administrations, 1877-1917

| REPUBLICAN |                                    | DEMOCRATIC  |
|------------|------------------------------------|---|
| 1877-1881  | <i>Hayes</i> {                     | House Democratic, whole period                            |
|            |                                    | Senate Democratic, 1879-1881                              |
| 1881-1885  | <i>Garfield</i> — <i>Arthur</i>    | (House Democratic, 1883-1885, almost two to one)          |
| 1885-1889  | . . . . .                          | <i>Cleveland</i> (Senate Republican)                      |
| 1889-1893  | <i>Harrison</i>                    | (House Democratic, 1891-1893, by 231 to 88)               |
| 1893-1897  | . . . . .                          | <i>Cleveland</i> (Senate and House Republican after 1894) |
| 1897-1901  | <i>McKinley</i>                    |   |
| 1901-1905  | <i>McKinley</i> — <i>Roosevelt</i> |   |
| 1905-1909  | <i>Roosevelt</i>                   |   |
| 1909-1913  | <i>Taft</i>                        | (House Democratic after 1910)                             |
| 1913-1917  | . . . . .                          | <i>Wilson</i>   |
| 1917-      | . . . . .                          | <i>Wilson</i>   |



RATE OF INCREASE OF POPULATION FROM 1900 TO 1910.

## CHAPTER LXI

### NATIONAL GROWTH

**724.** BETWEEN 1860 and 1880, **population** rose from 31 millions to 50 millions — one fourth the gain coming from immigration — and **wealth** multiplied two and a half times. Since 1880, wealth has grown even more rapidly, but population more slowly. In 1890 the United States had  $63\frac{1}{2}$  millions of people, and in 1910,  $93\frac{1}{2}$  millions (not counting the eight millions in the new possessions acquired from Spain). Recently, the Middle West, so long the scene of most rapid increase, has become stationary; while the manufacturing East and the far West have shared between them the greatest growth.

In 1860 cities contained one sixth the population; in 1880, one fourth; and in 1910, almost one half (46.3 per cent).<sup>1</sup> Less than one third the people now live on farms.

**725.** **Immigration** was checked by the Civil War. In 1883, however, it brought us more than 700,000 people, and in 1905, more than a million. Until 1890, immigration remained mainly like that before the Civil War — with some increase in the Scandinavian settlers in the Northwest. Since that year, more and more, *the immigrants have come from Southern and Eastern Europe*, — Italians, Russian Jews, Bohemians, Poles, Hungarians. A large part of these Southern European immigrants are illiterate and unskilled, with a “standard of living” lower than that of American workingmen. In 1880 they made only one twentieth of the immigrants; in 1900 they made one fourth; and the proportion is constantly increasing.

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<sup>1</sup> The census of 1910, however, classed all places of more than 2500 people as “urban,” while earlier censuses applied that term only to places of 6000 or more.

Our earlier immigrants sought homes for the most part on western farms. Those of recent years settle mainly in manufacturing centers.

**726.** When the Civil War began, the thirty-four **States** made a solid block from the Atlantic to the Mississippi, with one



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ELLIS ISLAND, IN NEW YORK HARBOR, where our annual million immigrants are detained for examination.

complete tier on the west bank of that river and with Texas and California farther west. Kansas was added in 1861; Nevada, in '64; Nebraska, in '67; and Colorado became the thirty-eighth State in 1876.

No new State came in for the next thirteen years — although the increase of population was then still most rapid in the agricultural region of the newest "West." In the Dakotas, districts without a settler in March were sometimes organized counties in November. The two Dakota Territories were long kept knocking for admission, however, because the Democratic Congress was unwilling to add States so sure to reinforce the







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# THE UNITED STATES

## PORTO RICO



Republican party. Montana and Washington, on the other hand, were expected to strengthen the Democrats; and in 1889 an "omnibus bill" admitted all four States. The next year, the admission of Idaho and Wyoming gave the first continuous band of States from the Atlantic to the Pacific. Utah, though prosperous and populous, was kept out for years because of its



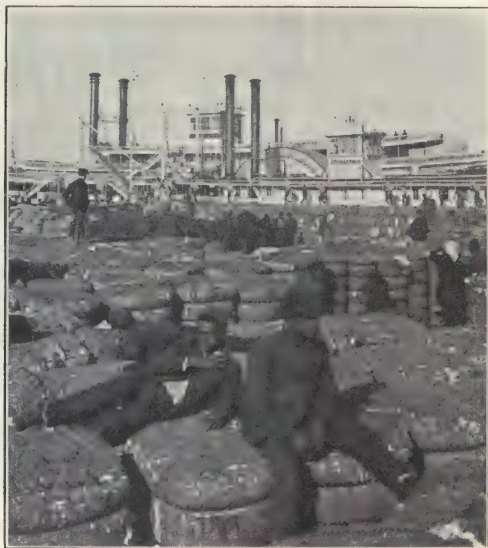
*Copyright, Underwood & Underwood.*

**FUTURE AMERICANS.** A photograph of a band of Armenians landed at Ellis Island, March 9, 1916. The advance guard of a body of 4200 who were rescued at one time from Turkish massacre by a French cruiser off the coast of Syria.

polygamy; but in 1890, when the Mormon Church renounced that doctrine, the State was admitted. Oklahoma, the old "Indian Territory," came in in 1907, and Arizona and New Mexico in 1912. This completed the solid block of forty-eight States in the vast region bounded by the two oceans, east and west, and by Canada and Mexico north and south. Before long, no doubt, the nation will be confronted with demands

for statehood from distant possessions, — Alaska, Hawaii, and Porto Rico.

**727.** After 1880, the “New South” began to reap its share of industrial growth. First it seized upon its long-neglected advantages for cotton manufacture. Northern capital built mills along the “Fall Line” (§ 180), and cheap labor was found by inducing the “Poor Whites” of the neighboring mountain-folk to gather in factory villages, where the indolent

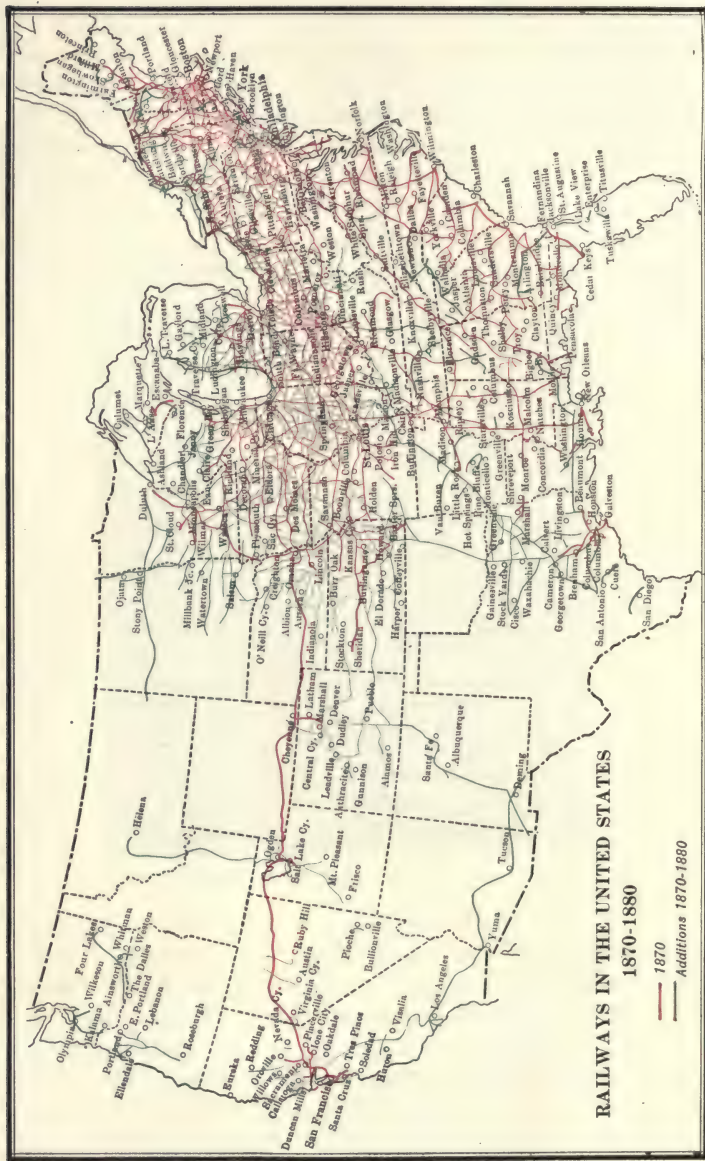


COTTON LEVEE AT NEW ORLEANS. From a photograph.

parents might live on the earnings of little children. The awakened South began also to make use of its mines and forests, — especially of the rich coal and iron region stretching from West Virginia through Tennessee into Northern Alabama. By 1880, Alabama was sending pig iron to Northern mills, and soon she became herself a great center of steel manufacturing.

Thus the *old agricultural South* was transformed into a *new South of varied industries*. And even its agriculture has





been transformed. Just after the war, attempts were made to cultivate huge plantations of the old type with gangs of hired Negroes. This proved a losing venture; and soon the great plantations began to break up into smaller holdings, rented on shares to Negroes or to Poor Whites. *These renters have been growing rapidly into owners.* The Negro's wholesome ambition to own a farm promises to be a chief source of industrial and social salvation to his race and to the whole South.

**728. Railway extension** (§§ 562, 703) had been checked during the four years of war, but the last five years of the sixties almost doubled the mileage of the country. The new lines were located mainly in the Northwestern States and Territories; and they were busied at first only in carrying settlers to the moving frontier, and then soon in bringing back farm produce. From 1873 to 1878, construction was checked again by one of the periodic business panics. Then by 1880, another almost fabulous burst raised the mileage to 92,000, and the next ten years nearly doubled this, — to 164,000 miles. Since 1890, expansion has been less rapid; but the next twenty years (to 1910) raised the total to 237,000 miles. *Since 1880, America has had a larger ratio of railway mileage to population than any other country.* Railroads represent one seventh the total wealth of the Nation, and employ more than a million men.

The eighties witnessed also a transformation in the *old* railroads. Heavier steel rails, thanks to the Bessemer invention,<sup>1</sup> replaced iron. This made possible the use of heavier locomotives and of steel cars of greater size; and these called in turn for straightening curves, cutting down grades, and bettering roadbeds. Such changes "fixed" a large amount of capital, but they greatly reduced the cost of transportation.

**729. More significant than these physical changes was the consolidation of railway management and ownership.** In 1860 no one

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<sup>1</sup> It was this same invention that made possible also a transformation of cities in exterior, and in character of life, — a change symbolized by the replacement of the old four or five-storied buildings by the new steel ten-to-thirty-storied structures.

company reached from the Atlantic to Chicago: indeed, no company controlled five hundred miles of road. One short line led to another, and so to another, perhaps with awkward gaps, and certainly with annoying and costly transfers, and with confusing changes in rates and in schedules and sometimes in width of track. By 1880, the gaps had been filled, gauges unified, and small lines grouped into larger *systems*—still counting, however, some 1500. By 1895, this number had been cut in half by further consolidation, and forty leading lines controlled half the mileage of the whole country. *Since 1905, all important lines have been controlled by seven or eight groups of capitalists.*

**730.** A like consolidation of capital and management has been marked in nearly every sort of industry and commerce.<sup>1</sup> **The age of small individual enterprise has given way to an age of large combinations.** Small stores merged into department stores; small firms into larger corporations; large corporations into still larger "trusts." In the East, the making of "ready-made" clothing became a mighty factory industry, and new leather sewing machinery built up huge shoe-factories. In the West, the farmer's grain was no longer ground in a neighboring mill on some small stream, but in great flour centers like Minneapolis; and his beeves and hogs went, not to a village slaughter-house, but to the vast meat-packing industries of Chicago. Even in agriculture this era of combination saw a new type of "bonanza farmers," each owning his thousands of rich acres in the Dakotas; and "cattle kings" seized on the immense feeding ranges of the Southwest.

In connection with new scientific knowledge, **this combination brought vast saving of wealth.** The old village slaughter house threw away horns and hoofs and hair and intestines: the great packing-house works up all these—"everything except the squeal"—into articles of use. Pine stumps were found valuable for turpentine, and the Southern cottonseed, formerly consigned to troublesome refuse heaps, was found highly

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<sup>1</sup> Between 1880 and 1890 the *number* of woolen mills decreased from 1990 to 1311, and the manufactories of farm implements from 1943 to 910; but in each line the *output* was more than doubled. So, too, of iron and steel mills.

valuable, first for fertilizing land, then for stock food, and finally for vegetable oils for human food. So, too, in countless other lines.

**731.** Unhappily, this material growth was accompanied by **an amazing growth of business immorality.** This tendency, noticeable before the war, had been strengthened by the flaunting success of corrupt army contractors, and was fostered for years afterward by the gambling spirit begotten of an unstable currency and of the spectacle of multitudes of fortunes made overnight in the oil wells of Pennsylvania<sup>1</sup> or in the new mining regions of Nevada, Colorado, Idaho, and Montana. In later years, too, the tremendous power over credits possessed by railroad kings and by the heads of other great consolidations of capital has tempted them constantly from their true functions as "captains of industry" to play the part of buccaneers in the stock market. Unreasonable profits, too, in the regular line of business draw the controlling stockholders in multitudes of corporations to increase their own shares by juggling the smaller holders out of theirs.

Sometimes the controlling stockholders of a corporation turn its affairs over to an operating company—composed of themselves alone—which then absorbs all the profits of the whole business in salaries or in other ways provided in the contract which the raiders have made with themselves. Or leading members of a railway company organize an inside company—like an express company—to which then the legitimate profits of the first company are largely diverted in the shape of excessive rates on certain parts of the railroad business. Only one degree worse is the deliberate wrecking of a prosperous corporation, by intentional mismanagement, so that the insiders may buy up the stock for a song, and then rejuvenate it—to their huge profit. Step by step, the law has striven to cope with all such forms of robbery; but numerous shrewd corporation lawyers find employment in steering "malefactors of great wealth"<sup>2</sup> through the devious channels of "high finance" so as to avoid grazing the letter of the law.

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<sup>1</sup> Petroleum was discovered in Pennsylvania in 1859, but no marked development came in production till after the War. Then "to strike oil" soon became a byword for success—equivalent to a "ship come home" in the days of more primitive commerce. In 1872 petroleum ranked among our exports next to cotton, wheat, and meats.

<sup>2</sup> A phrase of President Roosevelt's (§ 832).

**732.** One ruinous consequence of this lack of moral sense in business was a general indifference to the **looting of the public domain** by business interests and favored individuals. Thus, the timber on the public lands, with decent care, would have supplied all immediate wants and still have remained unimpaired for future generations. But with criminal recklessness, the people permitted a few individuals not only to despoil the future of its due heritage, but even to engross to themselves the vast immediate profits which properly belonged to present society as a whole. And, in their haste to grasp these huge profits, the big lumbermen wasted more than they pocketed, — taking only the best log perhaps out of three, and leaving the others to rot, or, along with the carelessly scattered slashings, to feed chance fires into irresistible conflagrations, which, it is estimated, have swept away at least a fourth of our forest wealth. Quaintly enough, this piteous spoliation and waste was excused and commended as “development of natural resources,” and laws were made or twisted for its encouragement.

Timber land, especially the pine forests of the Northwest, did not attract the genuine homesteader: too much labor was required to convert such lands into homes and farms, and the soil and distance from market were discouraging for agriculture. Such lands ought to have been withdrawn by the government from homestead entry. But, as the law was then administered, a man could “enter” a quarter section, clear a patch upon it, appear upon it for a night every few months, and so fulfill all legal requirements to complete title, — after which he had perfect right to sell the valuable timber, which had been his only motive in the transaction. Multitudes, less scrupulous about legal formalities, sold the timber immediately after making entry, without ever “proving up” at all.

These individual operations were trivial in amount; but the big lumber kings extended their effect by hiring hundreds and thousands of “dummy” homesteaders to secure title in this way to vast tracts of forest and to turn it over, for a song, to the enterprising employer. Nor, in early years, did any one see

wrong in this process. Condemnation, none too severe, was reserved for the lumbermen who took shorter cuts by forging the entries or by using the same "dummies" many times over, in open defiance of the law. In ways similar, but varied as to details, the *State* lands, too, became the legalized booty of private citizens.

**733.** This epidemic of waste and plunder had its golden age from 1870 to about 1890. James Russell Lowell spoke sorrowfully of the degradation of the moral tone in America, and many less robust thinkers despaired openly of democracy. But **signs of promise were not wanting.** A passion for education possessed the people. The public high school was just taking full possession of its field. A new group of great teachers and organizers at new universities, — Andrew D. White at Cornell, James B. Angell at Michigan, Gilman at Johns Hopkins, Eliot at his reorganized Harvard, with their many fellows, — were setting up higher ideals for American scholarship, and connecting scholarship as never before with the daily life of the people. About 1890, such institutions began to send forth trained, devoted, vigorous young men to the service of the nation in its battle with corruption and with entrenched privilege. Meantime, during the darkest years of material prosperity, some of the fine idealism of the Civil War period lived on — sometimes no doubt in blundering paths — in the movements of the Greenbackers and Prohibitionists and Grangers (§ 782) to regenerate society.

FOR FURTHER READING. — Every high school student should read Winston Churchill's *In a Far Country*, William Allen White's *A Certain Rich Man*, — each a sort of "Pilgrim's Progress" allegory of American life in the decades following the Civil War, — and Booth Tarkington's *The Turmoil*. The phases, good and bad, of the waste of the public domain are pictured graphically in Stewart Edward White's two related stories, *The Riverman* and *The Rules of the Game*.

The difficult and important period since the Civil War is treated well in two small recent volumes, one of which every student should read: Haworth's *Reconstruction and Union*, and Paxson's *New Nation*.



THE UNITED STATES CUSTOMS HOUSE AT NEW YORK. From a photograph.

## CHAPTER LXII

### THE POLITICAL STORY, 1876-1896

#### *(Civil Service and the Tariff)*

**734.** UNTIL the Roosevelt administration, the average respectable citizen knew little definitely about the corruption rampant in business and politics, and was usually inclined to dismiss all accusations as groundless. One evil, however, was too spectacular to be ignored. In 1871 public opinion forced the unwilling Congress to pass an Act to **rescue the Civil Service from the Spoils system**. At first, President Grant seemed to favor the idea; but in practice he let his friends among the spoilsmen thwart the law and drive from office the men who wished to administer it honestly (§ 714). And in 1874 Congress refused to renew the small appropriation for the work,—trusting to public disgust at the breakdown of the reform.

President Hayes was in earnest in the matter. His few removals from office were mainly to get rid of spoilsmen—as

when he dismissed Chester A. Arthur from the New York Collectorship of Customs—and he issued a notable “Civil Service order” forbidding Federal employees to take part in political campaigns (cf. Jefferson’s idea, § 448). This order, however, quickly became a dead letter. Post-office officials jeered at it; and the nation had not yet learned that no reform was possible except on this basis.

**735.** In 1880 the campaign was a struggle for office between the ins and outs to a degree unparalleled since 1824. **Neither party took a stand on any live question.** The Democrats railed at various Republican shames, but gave no assurance of doing better themselves. With a large part of the youth of the nation they were still discredited as “the party of disloyalty.” The Republicans “pointed with pride” to their record as “the Grand Old Party that saved the Union and freed the Slave,” but they had no program for the future. Twenty years before, the Republican party had been the party of the plain people, typified by Lincoln; but during its long lease of power the desire for political favors had drawn to it all those selfish and corrupt influences which at first had opposed it. In the West two minor parties had appeared with real convictions,—Prohibitionists and Greenbackers,—but their numbers were insignificant.

In the Republican Convention a desperate attempt was made to nominate ex-President Grant, but the tradition against a third term was too strong. Ballot after ballot he received from 302 to 312 votes; but 379 were necessary, and the nomination finally went to a dark horse,—*James A. Garfield*. For the Vice Presidency the Convention named Chester A. Arthur (§ 734) to rebuke Hayes’ reform tendencies. The Massachusetts delegation presented a resolution favoring Civil Service Reform, but it was voted down overwhelmingly—a certain Flanagan, delegate from Texas, exclaiming indignantly, “What are we here for?”

During the campaign, every Federal officeholder received a letter from the Republican National Committee *assessing*

a certain per cent of his salary for the Republican campaign fund. Officials who neglected to pay these "voluntary contributions" were "reported" to the heads of their departments for discipline. The vast public service, of two hundred thousand men, was turned into a machine to insure victory to the party in control. The practice had never before been followed up with such systematic shamelessness.<sup>1</sup>

Garfield was elected by a large electoral majority, but with only some 10,000 votes more than his opponent in the country at large. *The new President found a third of his time consumed by office-seekers.* They "waylaid him when he ventured from the shelter of his home, and followed him even to the doors of the church where he worshipped." Four months after his inauguration he was murdered by a crazed applicant for office.

**736.** Meantime, **more scandal!** T. W. Brady, one of the highest officials in the postal service, had conspired with a group of contractors—including a United States Senator—to cheat the government out of half a million dollars a year. On certain "*star routes*," the legal compensation for carrying mail had been increased enormously by secret agreements for *pretended* services, and then the surplus had been divided between the contractors and the officials.

When this investigation began, Brady demanded that Garfield call it off. Not gaining this favor, he published a letter written by Garfield during the campaign, showing that he (Garfield) had urged the collection of campaign funds from officials. On the other hand, President Arthur surprised the reform element by his good sense and firmness, by the cordial support he gave to Civil Service Reform, and by the faithfulness with which he pressed the trial of the star-route thieves.

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<sup>1</sup> Such collections from officials were made an excuse by them for demanding higher salaries. As always, the people paid. The following contrast shows progress. In the recent campaign (1916) the Republican National Committee asked thousands of voters for subscriptions; but the circular closed with the injunction,—“If you are a Federal officeholder, please disregard this request.”

Those trials were spectacular. Important newspapers impudently whitewashed the criminals; and insolent boasts were made freely that no jury would convict such "high and influential men." Through technicalities and delays, the bigger criminals did all escape.

**737. These events focused attention again on the need of Civil Service reform.** Congress, however, remained deaf in the session of 1881-1882; and, in the congressional elections of 1882, another assessment letter to Federal officials was signed by three leading Republican statesmen. Popular indignation at these offenses made itself felt in the elections, and the next session of the chastened Congress promptly passed the *Civil Service Act* (January, 1883), providing that vacancies in certain classes of offices should be filled in future from applicants whose fitness had been tested by competitive examination, and that such appointments should be revoked afterward only "for cause." A *Civil Service Commission*, also, to oversee the workings of the law, was established. The law did not apply to *heads* of large offices, or to any office where the President's nomination requires confirmation by the Senate; and it was left to the President to *classify* from time to time the offices to be protected. President Arthur at once placed some 14,000 positions under the operation of the law.

**738.** For nearly twenty years, Mr. Blaine had been the idol of the Republican masses, and in 1884 he at last won the nomination for the Presidency—despite earnest opposition from a large "reform" element led by veterans like Carl Schurz, Andrew D. White, and George William Curtis, editor of *Harper's Weekly*, and by ardent young men like Henry Cabot Lodge of Massachusetts and Theodore Roosevelt of New York. The reformers took their defeat in various ways. Lodge swallowed his chagrin and supported the ticket. Roosevelt went west, to begin his ranch life in Dakota. The greater number became "Mugwumps," and supported **Grover Cleveland**, the Democratic candidate.

Cleveland had attracted attention as governor of New York

by his stubborn honesty and his fearless attitude toward the corrupt Tammany machine. His friends jubilantly shouted the slogan, — "We love him for the enemies he has made"; and he was elected as a reform President, with the civil service issue in the foreground. But the great body of Democratic politicians were secretly or actively hostile to civil service reform; and the President's position was more difficult even than Jefferson's had been three generations before. In spite of the recent law, every Federal official was still a Republican. The Democratic office seekers were ravening from their quarter-century fast; and their pressure upon the head of their party for at least a share in the public service was overwhelming. With all his unquestioned sincerity and firmness, the President gave ground before this spoils spirit far enough to drive many Mugwumps, in disgust, back to the Republicans. Still, **the administration marks a notable advance for a non-partisan service.** It definitely established the principle of Hayes' Civil Service order against "offensive partisanship" by officials, prevented political assessments, and doubled the "classified" list.

**739.** When Cleveland became President, the war tariffs were still in force. By the trend of our history, too, high protection had become associated in the thought of the North with the preservation of the Union and the freeing of the slave; and the special interests, thriving on protection, knew how to take shrewd advantage of this habit of thought among the people.

With dogged persistence, **Cleveland strove to lead the Democratic party to take up tariff reduction.** In message after message, he called attention to the dangerous piling up of the surplus from the needless revenue; to the consequent opportunities for extravagance and corruption in expenditure; and especially to the unjust burdens upon the poorer classes of society from tariff taxation. In December, 1887, his message was given up wholly to this one topic, denouncing the existing tariff fiercely as "vicious" and "inequitable." During the following summer, by such argument, and by a despotic use of the President's power of "patronage" (§ 572), the House was

spurred into passing a reform "Mills bill,"<sup>1</sup> placing a few important articles on the free list and reducing the average tax from 47 per cent to 40; but this measure failed in the Republican Senate.

**740:** In the "educational campaign" of 1888, for the first time for almost sixty years, **the tariff was the leading issue** before the people. Blaine had replied to Cleveland's epoch-making message of '87 by a striking "interview," cabled from Paris, setting up protection as the desirable *permanent* policy. The Republican party rallied to this standard. Its platform declared for reduction of internal taxes (on whisky), in order to remove opportunity to reduce tariff income. Orators like William McKinley represented tariff reduction as "unpatriotic" and "inspired by our foreign rivals"; and even the Republicans of the Northwest, where Republican conventions in State after State had been calling for reform, were whipped into line by the plea that the tariff, if revised at all, should at least be revised "by its friends."

The debate was marked by a notable shift of ground on the part of protectionists. Clay and the earlier protectionists advocated protection for "infant industries," as a *temporary* policy. This argument hardly applied now that those industries had become dominating influences in the country. Greeley, in the forties and fifties, had modified it into a plea for protection to higher wages for American workingmen compared with European laborers (§ 596). This now became the general argument. It failed, however, to take account of the higher cost of living because of the tariff; nor was evidence submitted to show that the protected industries really paid higher wages in return for their tariff privileges.

**741.** The Republican manager, Matthew Quay, Senator from Pennsylvania, was a noted spoilsman, and had been publicly accused in Congress, without denial on his part, of having stolen \$260,000 from the treasury of Pennsylvania while an

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<sup>1</sup> Roger Q. Mills of Texas was the chief author of the measure.

officer of that State. He now called on "protected" manufacturers for huge contributions to the Republican funds;<sup>1</sup> and, according to general belief, spent money more freely than ever before in buying votes in doubtful States. One scandal, made public a little later, was long remembered. A member of the Republican National Committee wrote to political lieutenants in Indiana, on which State it was thought the election would turn, — "Divide the 'floaters' into blocks of five, and put a trusted man *with the necessary funds* in charge of each five, and make him responsible that none get away and that all vote our ticket."

**742.** With the secret aid of the Democratic Tammany machine in New York, **the Republicans elected Benjamin Harrison**, though he had 100,000 fewer votes than Cleveland. The Republican platform had promised an extension of civil service reform; but for months after the victory, **the spoils system was rampant**. Clarkson, the Assistant Postmaster-General, earned the title of "the Headsman," by gleefully decapitating 30,000 postmasters in the first year; and, amid the applause of the Senate, Ingalls of Kansas declared, — "The purification of politics is an iridescent dream; *the Decalogue and the Golden Rule have no place in a political campaign.*" This attitude of prominent spoilsmen was rebuked, however, by the people in the Congressional elections of 1890, and President Harrison appointed to the Civil Service Commission Theodore Roosevelt of New York. This fearless young reformer at once injected new energy into the administration of the law, and rallied a fresh enthusiasm among the people to its support by his vigorous use of language. Hitherto, the spoilsmen had reviled the mild-mannered gentlemen of the Commission at will: Roosevelt gave back epithet for epithet, with interest, — as when he affirmed that a great part of the political contributions extorted from reluctant officials was "retained by the jackals who collected it."

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<sup>1</sup> This and other evil features of the political campaigns of this era are presented in Blythe's striking political novel, *A Western Warwick*.

**743.** The Republicans called their victory “a mandate for protection,” and the **McKinley Tariff of 1890** raised rates even above the war standard. The committee in charge of the framing of the bill held “public hearings,” at which any one interested might appear, to present his needs and views. In practice, this resulted in hearing at great length the claims of the scores of great manufacturers, but hardly at all the claims of the millions of small consumers. Thus the Binding Twine trust secured the power to tax every sheaf of the farmer’s grain, by a tariff on twine, in spite of earnest but less organized opposition by the farmers of the country. “Special interests” shaped the law. (Cf. Randolph’s warning, § 507.)

A novel feature of the bill was its “*reciprocity*” provisions. Foreign countries, incensed at our exclusion of their products, were threatening retaliatory tariffs on American foodstuffs; and even Blaine had criticized the bill sharply, in its original form, on the ground that it failed to “open the market to another bushel of grain or another barrel of pork.” Finally, it was arranged that the President might provide by treaty for the free admission of raw sugar, coffee, molasses, and hides, from any country which would admit free our products. Some treaties of this nature were afterward negotiated with Central and South American countries.

**744.** An immediate rise in prices on manufactures<sup>1</sup> made the new tariff highly unpopular, and the congressional elections of 1890 witnessed a “landslide” for the Democrats. Various House bills for tariff reduction, however, were buried in the hold-over Senate; and the surplus in the Treasury had been dissipated by a huge increase in pensions for the veterans of the Civil War.

Cleveland’s first administration had witnessed a savage raid on the Treasury in the form of thousands of *special* pension bills. Many of these applied to meritorious cases which even the generous provisions of the general law did not reach; but hundreds of others were gross frauds, which, in many cases, had already been exposed by the regular pension

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<sup>1</sup> The rise reached many forms of foodstuffs. Thus canned goods were raised because the canners had to pay more for tin plate, on which the tariff had been doubled.

bureau. Cleveland vetoed 233 private pension bills.<sup>1</sup> Then Harrison's administration saw the pension rolls doubled by a new general law, with an increase of annual expenditure for this purpose from 88 millions to 159 millions. The same four years (1889-1893) saw the yearly expenditure for the navy mount from 17 to 33 millions. The Fifty-first Congress was the first "Billion-Dollar Congress."

**745. The rebound against the McKinley Tariff elected Cleveland again in 1892.** The Democratic platform had declared frankly for a tariff "for revenue only." During the campaign, however, the leaders felt impelled to promise that reductions from existing rates should be made gradually, so as to permit business to readjust itself safely. Moreover, tariff reform was now hampered by currency questions, which had thrust themselves into the foreground (§ 750 ff.). A "Wilson Bill" did pass the House in form fairly satisfactory to tariff reformers; but in the Senate where the Democrats had a bare majority anyway, several members deserted in order to secure protection for interests which they represented (sugar in Louisiana, iron in West Virginia and Alabama, etc.), and amended<sup>2</sup> the bill into what President Cleveland called bluntly a measure of "party perfidy." He felt constrained, however, to let the bill become law — as the best thing attainable. It reduced the average of the duties from 49 to 40 per cent; and it was accompanied by a sop to the radicals in the shape of a *tax of two per cent on all incomes over \$4000*.

**746. This compensation to the poorer classes was at once nullified.** The Supreme Court declared the income tax unconstitutional.<sup>3</sup>

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<sup>1</sup> In other respects, also, Cleveland gave a new vigor to the veto power. President Johnson, in his Reconstruction quarrel with Congress, vetoed 21 bills, — many more than any predecessor, — though several of these vetoes were overridden. Grant used the veto 43 times in his two terms. Up to Cleveland's accession, there had been in all only 132 Presidential vetoes. In his first term Cleveland used the power 301 times. Cf. § 567.

<sup>2</sup> People were shocked to learn that prominent Senators were speculating in stocks whose value would be affected by their votes. In an "investigation," Senator Quay had to confess that he had bought sugar stock "for a rise."

<sup>3</sup> On the ground that it was a *direct tax* but not apportioned as the Constitution orders for direct taxes (Art. I, sec. 2).

During the War, precisely such a tax had been in force, and in 1875 the Court had decided *unanimously* that the tax law was constitutional. In this like case, twenty years later, the Court at first divided equally, four to four. Public feeling was intense. The conservative moneyed classes were represented before the Court by the great lawyer, Rufus Choate, who declared that such a tax would "scatter to the winds the very keystone of civilization—the rights of private property." On the recovery of a sick Justice, the case was heard again. The Justice before absent now voted for the tax; but Justice Shiras, who had before voted for it, now changed to the opposition.

Conservatives exulted loudly. Said the *New York Sun*, "The wave of socialistic revolution has gone far, but it breaks at the foot of the ultimate bulwark set up for the protection of our liberties. Five to four, the Court stands like a rock." On the other hand the stern disappointment of the reform elements was voiced by Justice Harlan in an able dissenting opinion which was marked by unusual emotion and which let it be seen that the Justice felt that the great Court had struck a cruel blow at American institutions. The modern verdict upon the decision, and upon its effect on society, is expressed well by Professor Davis Rich Dewey:—"Interest in the tax itself was lost sight of in the revelation of fickleness and uncertainty in the highest court of the land." It was particularly unfortunate that such shiftiness should have operated as a protection to the wealthy classes only. (Cf. § 711.)

**747.** The election of 1896 was won by the Republicans on the issue of "sound money" (§ 757); but President McKinley claimed the victory as a mandate to renew the high protection policy with which he had personally identified himself. Accordingly, a special session of Congress enacted the **Dingley Tariff**, raising the *average* rate to 57 per cent.

The Bill provided that, during the two years following, the President might make treaties with foreign countries, abating a fifth of the Dingley rates in return for concessions to American commerce. The Republican masses were led to look upon

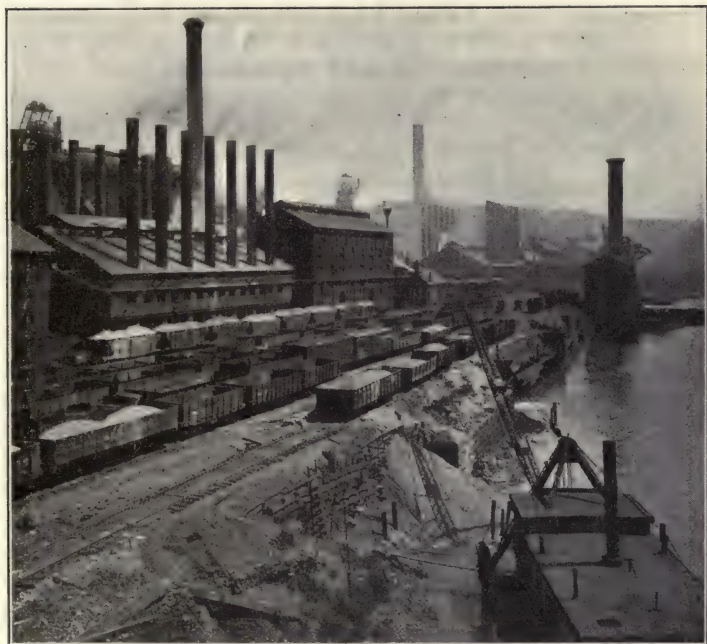
the exorbitant rates mainly as a club to force reciprocity. President McKinley, from time to time, submitted seven such treaties to the Senate, but that body, with an extreme of bad faith, hearkening only to the special interests which controlled the seats or fortunes of many members, *failed to ratify*. As with the preceding tariff, the bargain by which high rates had been secured was broken; and again the loss fell upon the poor.

**748.** Wherever the tariff did shield a raw material from foreign competition (as with wool), it gave a correspondingly higher protection to the manufacturer who was to use that material. Thus the wearer of woolen goods paid a double tax, — one to the wool grower, and another to the manufacturer. But as a rule, those items which had been added to the bill with a pretense of protecting the farmers proved again deceptive. A duty was placed on hides; but the advantage was monopolized by the packing houses. The cattle raiser got none of it. He had to sell, as before, to the trust at its own price (§ 790); but the trust could now make the shoe manufacturer pay more for leather. And the only noticeable result to the cattle raiser — and to every other “ultimate consumer” — was a higher price for shoes and harness. Critics pointed out, too, that the prohibitive duties on many foreign imports made it easier for monopolistic combinations to control prices and output. The years following the enactment of the Dingley Tariff were just the years of most rapid development of such monopolies. “*The tariff is the mother of the trusts*” became a popular cry.

**749.** Manufactures, of course, were tremendously stimulated. They now used most of the raw material produced in America. American mills forged their way into the markets of the world, and underbid English and German manufacturers in Russia, India, China, and Australia. American machinery even invaded France and England. To do this, the American manufacturer *sold his goods cheaper abroad than at home*, and, in part, was enabled to undersell the foreign manufacturer abroad by means of the unreasonable profits wrung from the American consumer.

For a time the country was entranced by the appearance of “prosperity.” But gradually the idea gained ground that this was a manufacturer’s prosperity, paid for by the consumer. The cost of living rose so rapidly as to become a byword. Be-

tween 1896 and 1904 it was computed to have increased a fourth.<sup>1</sup> This amounted, of course, to a savage cut in wages and in all fixed incomes, and it rapidly created a serious problem for people of small means.



A MODERN STEEL PLANT AT PITTSBURGH.

FOR FURTHER READING. — Paxson's *New Nation*, Haworth's *Reconstruction and Union*, or Bassett's *Short History* should be used for a fuller treatment.

<sup>1</sup> The conservative figures of the Bureau of Labor place the increase in the period 1890–1909 at 26½ per cent. Of course the tariff was only one of several factors in the rise of prices. Another factor was the increased volume of gold—in which prices are measured (§ 769, close). But this last factor operated all over the world,—in England, presumably, as strongly as in America. The rise of prices in England, however, down to the beginning of the European War in 1914, was only about a third of that in the United States.

## CHAPTER LXIII

### GREENBACKS AND FREE SILVER

**750.** FOR thirteen years after the War, the "Treasury notes" (§ 674) and the National bank notes were the *only* money in circulation. The government redeemed part of this "War currency" — by issuing new bonds in exchange for it—but gold did not come out of hiding. **This paper money remained below par,** usually at about 80 cents, **and its value fluctuated somewhat,** as Wall Street speculators forced gold up or down.

In the summer of 1869 Jay Gould and "Jim" Fiske made an extreme attempt to "corner" gold, and on a certain "Black Friday" they drove its price up to 162. In other words, *a dollar of paper money was driven down in value to 61 cents,* and business everywhere was tottering to bankruptcy. Gould and Fiske had tried zealously to cultivate intimacy with President Grant and to woo him to their plans; but now, with the President's approval, the Secretary of the Treasury saved the business of the country, and crushed the Wall Street pirates, by throwing upon the market many millions of the government's gold reserve.

**751.** The government paid the interest on all its bonds in gold. This policy was necessary to preserve the nation's credit, but **it had a repulsive side.** The man who earned fifty dollars in the field, or who received that amount as interest on a small loan, had to take his pay at its face in paper; but the wealthy holder of a government bond, to whom fifty dollars of interest was due, could exchange his gold for sixty or seventy dollars in paper.

Another kind of wrong was still more serious. In war time, paper money was worth perhaps fifty cents on a dollar. If a

farmer then mortgaged his two thousand dollar farm for *half* its value, he received \$1000 in greenbacks (or \$500 in gold). Now, as paper appreciated, approaching par, prices fell until the farm was worth perhaps only \$1000 in all, and the farmer must pay *all of that* to redeem. *His property was halved, or his debt doubled, by the juggling tricks of a varying currency.*

**752.** Many men who saw the abuse jumped at a deceptive remedy. The Democratic platform of 1868 called for "one currency for the producer and the bond holder," and urged that the government should pay its interest in greenbacks except when the bond specified gold. Local "Greenback" parties arose, *to demand "fiat money" as a permanent policy.* In 1876 the Greenback organization became national, with a candidate for the Presidency; and two years later, it cast a million votes.

But meantime the Republican party stood victoriously for the "**resumption of specie payment.**" Congress provided for the accumulation of a gold reserve for that purpose, and, January 1, 1879, the Treasury announced its readiness to exchange gold for its greenbacks. **Paper money rose at once to par** — "as good as gold" — *and no one cared longer to make the exchange.* A third of a billion remained in circulation; but ever since then the notes have been redeemable on demand.

**753.** The paper-money question belonged to the Reconstruction period. From 1890 to about 1900 another "cheap money" agitation cast all other issues into the background. This was an unfortunate **demand for "free silver."**

Until 1873 anyone could present gold or silver bullion at any government mint and receive back the value in coin. For forty years the law had fixed the "ratio" between the two metals as "16 to 1." At the beginning of that period, and for long before, an ounce of gold was worth sixteen ounces of silver for commercial purposes; and so the silver dollar was made sixteen times as heavy as the gold dollar. After 1850, the gold discoveries in California cheapened the value of gold; and the little silver that was mined between that time and

1870 could be used more profitably in the arts than at the mint, so that very little silver was coined.<sup>1</sup>

But, about 1870, new silver mines in Nevada and Colorado began to flood the markets with silver. Then, in 1873, Congress "demonetized" silver, — ceasing to authorize its coinage, except in small quantities for the oriental trade, and refusing legal-tender character at home to these "trade dollars." At the same time, European countries began to abandon "bimetallism" for a gold standard. The increased output of silver, together with this decreased demand for it, forced down its value rapidly;<sup>2</sup> but the silver mine owners called vociferously for coinage at the old rate. Moreover, the farmers of the West and many ardent reformers were persuaded that the "crime of '73" had been manipulated by the money monopolists of Wall Street to reduce the volume of the currency, and so enhance the value of their capital. The more thoughtful advocates of silver believed that its unlimited coinage by the United States would restore silver to its old market value because of the increased demand; but the larger body of its supporters were animated by the crude fallacies of fiat money, such as had inspired the Greenback party.

**754.** It was quite true that there was not enough gold coined to make a proper basis for the growing business of the country. Consequently, money was appreciating in value and prices depreciating. Creditors profited; debtors, like farmers with mortgages to meet, suffered.

All reformers saw these evils. Some magnified them unduly, and caught impulsively at the proffered remedy of making silver a legal tender at the *old* rate. Their real problem was to curb the growth of special privilege in business and of corruption in politics, but they turned aside for a misleading economic doctrine. More logical reformers felt that a depreciation of the coinage would entail all the disasters of cheap money and bring in evils worse than those to be cured. This unhappy

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<sup>1</sup> In 1870, the market ratio of the metals was 15.57. A silver dollar would have been worth \$1.03, and they had all been melted down for this profit.

<sup>2</sup> By 1876, the ratio of silver to gold had fallen to 17.87; and by 1893 to 28.25. At the latter rate, a silver "dollar" of the old weight was worth only 56 cents in gold.

division seriously delayed the reform of fundamental troubles in American life.

**755.** Both Republicans and Democrats shirked a positive position as to silver. Accordingly, in the West and South there sprang up the new **Populist party**, with a platform calling for the unlimited coinage of silver at 16 to 1, for a graduated income tax (§ 745),<sup>1</sup> postal savings banks, the "Australian ballot" (§ 824), direct election of United States Senators, an eight-hour day, and government ownership of railroads and of other natural monopolies. To the East all this seemed wild-eyed anarchism. But in the Presidential election of 1892, General Weaver, the Populist candidate, secured 22 electors, with more than a million votes, to about five and a half millions to each of the main parties. Two years earlier, the party had captured several State governments in the West and South, and had sent forty representatives to Congress.

This Populist success induced Congress, in 1890, to pass "*the Sherman Act*," ordering a slight increase in silver coinage. The increase in demand raised silver for a time; but in 1893 the British government demonetized that metal in India, and it shrank to a lower point than ever before. Gold now was exported with a rush, and that remaining in the country was hoarded.

**756.** A periodic crisis, due once more to over-investment on credit, seems to have been about due; and it was hastened by widespread distrust of the currency and by uncertainty as to future action by Congress. **In 1893 the crash came.** Creditors began to insist on payments in gold. Nearly six hundred banks closed their doors, and more than fifteen thousand firms went to the wall, with losses amounting to a third of a billion. President Cleveland had to increase the national debt by selling bonds, or the gold reserve in the treasury would have vanished.<sup>2</sup> Industry was prostrated as at no previous

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<sup>1</sup> The student should see that this chapter and the preceding one give two strands of one story.

<sup>2</sup> See *American History and Government*, § 429.

panic. Farmers lost their homes, and the improvements of years, on small mortgages. Cities were thronged with hundreds of thousands of unemployed and desperate men. Every large place had its free "soup kitchen," and many towns, for the first time in America, opened "relief works," to provide the starving with employment.

**757. The Campaign of 1896 was a crisis in American history.** President Cleveland alienated the radical wing of the Democratic party by uncompromising hostility to silver legislation,<sup>1</sup> and the party split on that issue. The National Convention afforded a dramatic scene. *William J. Bryan* of Nebraska, a young man hardly known in the East, swept the great assembly resistlessly by an impassioned speech of splendid oratory and deep sincerity. The contest between silver and gold he pictured as a contest of wealth against industry. The gold men had made much of what they called the business interests. But, said Bryan, "the farmer who goes forth in the morning and toils all day, and, by applying brain and muscle to natural resources, creates wealth, is as much a business man as is the man who goes upon the Board of Trade and bets on the price of grain." Turning to the "gold" delegates, he exclaimed, "You shall not press down upon the brow of labor this crown of thorns. You shall not crucify mankind upon this cross of gold."

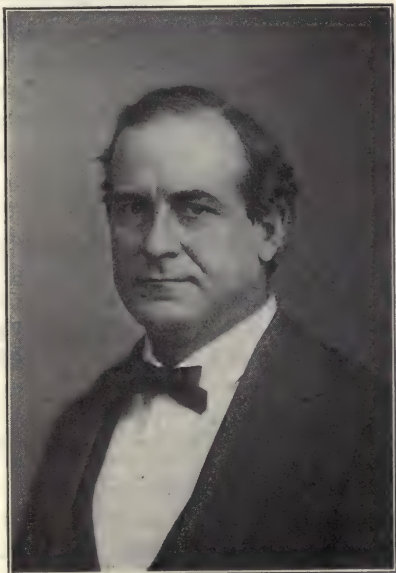
With tremendous enthusiasm, the Convention declared, two

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<sup>1</sup> It is, perhaps, fairer to say that this attitude seemed to the Radicals one more proof of Cleveland's alliance with the "Money Power," seen also, as it appeared to them, in his policy in the Chicago strike (§ 809). Cleveland was a plodding, patient man of rugged honesty, and, for his day, he was a progressive statesman, deserving of more recognition from radical reformers than he received. In his final message to Congress, after his defeat had put him "out of politics," he warned the nation that great fortunes were no longer the result solely of sturdy industry and enlightened foresight, but largely of the "*discriminating favor of the government*" and of "undue exactions from the masses of our people." After leaving the Presidency, his services as a lawyer were sought by great corporations, but he always refused their retainers. No other president from Lincoln to Roosevelt did so much to arouse a progressive movement in this nation.

to one, for the "unlimited coinage of both silver and gold at the ratio of sixteen to one," and nominated Bryan for the presidency.<sup>1</sup> A strong faction of the party, however, took the name of "Gold Democrats" and nominated a ticket of their own. The Republicans nominated William McKinley on a "sound money" platform.

The Democratic campaign was hampered by lack of money; but the most was made of Mr. Bryan's oratory. Candidates had previously taken small part in campaigning. Mr. Bryan traveled eighteen thousand miles and spoke to vast numbers of people. The Republican coffers were supplied lavishly by the moneyed interests of the country; and the campaign was managed by Mark Hanna, a typical representative of the "big business" interests, — a virile and very likeable character, who honestly believed that the government ought to be "an adjunct of



WILLIAM JENNINGS BRYAN. From a recent photograph.

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<sup>1</sup> To men of conservative tendencies and associations, the new leader seemed a demagogue. The *Louisville Courier-Journal* denounced him as a "dishonest dodger," a "daring adventurer," a "political faker"; and the *New York Tribune* reviled him as "a willing puppet in the blood-imbrued hands of revolutionists, — apt at lies and forgeries and blasphemies, the rival of Benedict Arnold and Jefferson Davis in treason to the Republic." Later, such Eastern organs tried strenuously to regard him as a jest. But a new force had come into American life. William J. Bryan, defeated three times for the Presidency, still molded public opinion during the coming years as only

business," and who, his admirers confessed, got what he went after in politics without scrupulous regard to means. Workingmen were intimidated by posted notices that the factories would close if the Democrats won; and many great business concerns placed orders with manufacturers with a provision for cancellation if Bryan were elected. This fear of business catastrophe (a fear largely manufactured) was a chief factor in the Republican success. But as Cleveland had committed the Democratic party to tariff reform, so *Bryan had now committed it to the cause of the masses against the "special interests" and "privileged" capital.*

At this point came an interruption to normal development, — the Spanish War and the question of imperialism.

FOR FURTHER READING.— Dewey's *National Problems*; Paxson's *New Nation*; Haworth's *Reconstruction and Union*.

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one or two Presidents have ever done, until by 1912 his principles, outside the free silver heresy, had become the common property of every political platform. Cf. § 842 ff.

## CHAPTER LXIV

### AMERICA A WORLD POWER

**758.** Our growing commercial interests inspired a more aggressive foreign policy. Three notable incidents in this line preceded the war with Spain.

*a.* In Harrison's administration the energetic *Blaine* was Secretary of State. A cardinal point in his policy was to extend the influence of the United States over Spanish America. In 1889 he brought together at Washington a notable *Pan-American Congress* which furthered commercial reciprocity (§ 743) and expressed a desire for standing treaties of arbitration between all American nations.

*b.* For fifty years, the United States had held close *relations with Hawaii*. The islands had accepted Christianity from American missionaries; and American planters and merchants were the chief element in a considerable White population. American capital, too, was largely interested in sugar raising in the islands.

The native government, under the influence of English and American ideas, had been brought to the form of a constitutional monarchy. In January, 1893, a revolution deposed the native queen and set up a provisional republic. The leading spirits of the new government were Americans, and they asked for annexation to the United States. The United States minister to the old government ran up the United States flag, virtually declared a protectorate, and secured a force of marines from an American vessel in the harbor to overawe the natives.

In his remaining weeks of office, President Harrison tried to hurry through a treaty of annexation; but Cleveland, on his accession, withdrew the treaty from the Senate, and sent a special commissioner to the islands to investigate. The report

revealed the revolution as a conspiracy, in which the American minister had taken a leading part to overthrow the government to which he was accredited; and the provisional republic, it was shown, was supported by only a small fraction of the population. Cleveland attempted to undo this "flagrant wrong" to a weak state. Despite the violent outcry of opposition papers, he "hauled down the American flag." Skillfully entrenched in possession by this time, however, the republican government maintained itself, unstably, against the native dynasty.

c. For half a century an obscure dispute had dragged along as to the *boundary between Venezuela and British Guiana*. In the eighties gold was discovered, and English miners began to crowd into the disputed wilderness. By 1895 the quarrel was acute. The English government made it clear to Venezuela that it intended to occupy the territory. Venezuela had already appealed to the United States for protection; and now our government insisted vigorously that England submit the matter to arbitration. Lord Salisbury, the English prime minister, declined. Then President Cleveland electrified the world by a message to Congress (December 17, 1895) recommending the creation of an *American* commission to determine the true boundary, and pointing out that war must follow if England should persist in refusing to accept the award.

For the first time the people in England awoke to the fact that a serious quarrel was in progress. People, press, and public men made clear a warm friendship for the United States wholly unsuspected by the mass of Americans,<sup>1</sup> and it was immediately evident that even the irritating tone of American diplomacy could not arouse a war feeling. War with the United States on such an issue, said Lord Rosebery, the Liberal leader, "would be the greatest crime on record"; and the Conservative leader in parliament, Mr. Balfour, added that such a

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<sup>1</sup> This aspect of the affair was made more prominent by a remarkable display a few weeks later of war feeling in England against Germany.

contest would be invested "with the unnatural horrors of *civil* war." The ministry now offered to accept arbitration, suggesting, however, an *international* commission, in place of one appointed by our government alone, and the matter was so arranged. The commission reported in 1899, favoring the English contention for the most part. This result was perfectly satisfactory to the United States.

The English ministry now proposed to the United States a *standing* treaty for arbitration of future disputes between the two countries. The treaty was drawn up, and was strongly urged upon the Senate by President Cleveland and later by President McKinley. But the Senate, now in a period of degradation, preferred to play politics, and refused to ratify this proposal for an advance in world peace.<sup>1</sup>

**759. Then came the Spanish-American War.** After 1824 (§ 504), only Cuba and Porto Rico were left to Spain of her once wide-lying American empire. In Cuba, revolt was chronic. Taxation was exorbitant; trade was shackled, in Spanish interests; and the natives were despised by Spanish officials. In 1895 the island was once more ablaze with revolt,—organized in great measure by a Cuban Junta in the United States and aided materially by filibustering expeditions from our shores. On both sides the war was barbarous. In particular, the cruel policy of the Spanish commander, *Weyler*, caused deadly suffering to women and children, gathered into *reconcentrado* camps without proper care or food. The "Gem of the Antilles" was rapidly turning to a desert and a graveyard.

American capitalists had large interests in the sugar industry in the island, and used powerful influences, open and secret, to secure American intervention, with a view to subsequent annexation by Congress. Such forces played skillfully upon the humanitarian sympathies of the American people, and on our habitual inclination to aid any movement on this continent for political independence. In 1897 the country was seething

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<sup>1</sup> *Modern World*, § 917, for other details.

with discontent at the continuance of Spanish rule in Cuba, and Congress was eager for war; but for some months more President McKinley held such impulses in check while he tried to secure satisfactory concessions to Cuba from Spain.

A new Spanish ministry, led by the Liberal Sagasta (*Modern World*, § 840) did recall Weyler, placed the war upon a "civilized" footing, and offered the Cubans generous concessions; but a new situation hurried America into the war. *February 15, 1898*, the American battleship *Maine*, visiting in the Havana harbor, was blown up, with the loss of 260 of her men. The explosion *may* have come from a submarine mine operated by Cubans to produce the results which followed, or the mine *may* possibly have been operated by a few Spanish officers. No one now seriously believes that the Spanish government was responsible. At the moment, however, this was the almost universal assumption; and a vengeful cry for blood — *Remember the Maine* — reinforced irresistibly the previous call for American interference. Congress gave a solemn pledge that the United States would not hold Cuba for herself; and the American forces soon completed the task of expelling Spain.

**760.** A picturesque feature of the brief four-months' struggle was the dashing career of the "**Rough Riders.**" Officially, this force was the "First Volunteer Regiment of Cavalry." It was raised by Theodore Roosevelt, largely from his old associates among ranchers and cowboys in the West, with a sprinkling of Eastern foot-ball stars. Roosevelt resigned as Assistant Secretary of the Navy to become Lieutenant Colonel of this regiment. The decisive land-battle of the war was fought stubbornly along the paths of a tropical jungle near the city of Santiago, July 1, 2, and 3. Roosevelt marched his troops all night, June 30, to be in at the fight, and led them gallantly in "the soldier's charge" up *San Juan Hill* into the Spanish intrenchments. The fame of "the Colonel" from these achievements, duly "featured" by the newspaper men with the troops, was soon to give a new turn to American politics, — not the least of the results of the war.

**761.** The victory of San Juan made it impossible for the Spaniards to long hold the harbor of Santiago. They had collected a strong fleet there, to threaten the sea-coast cities of America, but it had been at once blockaded by a stronger American squadron. Fearing capture by our land army, the Spanish fleet now put to sea and scattered in flight. In the four-hours running fight that followed, every Spanish vessel was sunk or driven a blackened wreck on the shore, every man dead or captive, while no American vessel was injured and only one sailor was killed.

At the outbreak of the war, unfriendly German and French naval authorities had not hesitated to express their conviction (and apparently their hope) that the Spanish fleet would quickly drive the American from the sea. But even before this famous battle of Santiago, in a still more famous struggle the American navy had proven its superiority in sailing and in gunnery. When war was declared, *Commodore George Dewey* was in command of a small squadron on the coast of China. He sailed at once for the Philippines, then a Spanish possession, and, on May 1, entered *Manila Bay* over mine-strewn waters, destroyed or captured the Spanish fleet under the guns of the land fortress, and, in coöperation with native insurgents, began the siege of the city.

**762.** The blockade of Manila had its own spectacular incidents. Soon after Dewey's naval victory, European men-of-war began to gather in the harbor,—among them, three English ships and a strong German squadron. Germany had shown much sympathy for Spain, and the German commander at Manila, Admiral von Diedrich, now acted toward the Americans in a most disagreeable and irritating manner. He repeatedly disregarded the American patrol regulations, and finally landed supplies for the Spaniards in flat opposition to the American blockade. This brought a crisis. Dewey sent him a brusque protest, adding as the messenger was setting out,—“And say to Admiral von Diedrich that if he wants a fight, he can have it now.” In a rage, von Diedrich hurried to Captain Chichester,

the commander of the English war ships, and asked that officer bluntly whether he had instructions as to what to do if a conflict took place between the Germans and Americans. "I have," replied the Briton. "May I ask what they are?" insisted the German. "Ah," drawled Chichester, "only two persons here know that,—myself and Commodore Dewey." Thereafter von Diedrich was better mannered.

From the opening of the war, it is now known, Germany wished Europe to interfere upon the side of Spain, and she was kept from active hostility mainly by the pronounced friendliness of the English government for America. And this friendly English feeling was characteristic of all classes in that country. American visitors in England during the war tell us, often with amazement, how at the movies a picture of an American ship or an American officer always brought the audience to its feet in cheers, while Spanish pictures were signals for catcalls and jeers.

**763. A chief lesson from the war was the unpreparedness and inefficiency of the War Department.** The Spanish surrender in Cuba came none too soon. A few days more would have seen the American army routed by disease. Medicines were lacking; transportation was insufficient; troops were sent to Cuba in midsummer clothed in sweltering woolens, with repulsive "embalmed beef" as a large part of their food. Red tape and mismanagement prevented any improvement even for some weeks after the struggle was over, until, largely at Roosevelt's suggestion, a number of officers joined in a "round robin," making the disgraceful and dangerous conditions public. Even at the recruiting camps in America, sanitation had been shamefully neglected: at Tampa and Chickamauga, more soldiers died from dysentery than fell in battle in Cuba.

**764. In the treaty of peace, Spain left Cuba free, and ceded to the United States Porto Rico, Guam (in the Ladrões), and the Philippines,** accepting \$20,000,000 in compensation for the last. Other territorial expansion, too, came as a result of the war. In 1897 President McKinley had revived the treaty to annex *Hawaii* (§ 758). The necessary two-thirds vote in

the Senate could not be secured ; but after the opening of the Spanish War, Congress annexed the Hawaiian Islands by a *joint resolution*<sup>1</sup>—as Texas had been acquired many years before. About the same time, several small islands in the Pacific, not claimed by any civilized power, were seized for naval and telegraph stations ; and, in rearrangements at *Samoa*, due to native insurrections and to conflicting claims by England, Germany, and the United States, this country secured the most important island in that group.

In 1900 Hawaii was organized as a "Territory" on much the usual self-governing plan. Porto Rico, with its civilized but unfriendly Spanish population, presented a difficult problem. At present, the government contains a representative element, but real control rests in officials appointed by the United States.

**765.** On the whole the American pledge to leave Cuba independent was honorably kept, though the Cuban constitutional convention (of 1902) was required to consent that the United States might hold points on the coast for naval stations and should have the right to interfere, if necessary, to save the island from foreign encroachment or domestic convulsion.

**766.** Preceding the establishment of the Cuban Republic by this convention, there had been a necessary **three-years occupation by American troops** under General Leonard Wood.

This military government brought great blessings to the island. It established order, relieved immediate suffering, organized a permanent and noble system of hospitals and schools, built roads, cleaned up cities, and created adequate water supplies. For the first time in 140 years Havana was freed from yellow fever. *In the course of this amazing and beneficent sanitary work in the pest-ridden island, Major Walter Reed, a United States surgeon, proved that yellow fever is transmitted by the mosquito bite.* That discovery ranks among the foremost achievements of modern science. There is no

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<sup>1</sup> Dewey at Manila was in want of reinforcements, and this fact brought home to Americans the need of naval stations in the Pacific.

praise too warm for the high resolve and steadfast heroism — unsurpassed amid the horrors of a battlefield — with which a splendid group of American officers risked their lives day after day in that obscure and baffling struggle against a disease that had long been a chief scourge of the human race.

**767. The Philippines** contain 115,000 square miles, broken into a thousand islands.<sup>1</sup> The eight million inhabitants range from primitive savagery (of the poisoned arrow stage) to civilization, and speak a score of different tongues and dialects. Five sevenths of the whole number are Catholics; the stalwart Moros are Mohammedan; the “wild” half million are divided among primitive superstitions. The centuries of Spanish rule have left much Spanish blood, mixed with native, in the more civilized districts; and commercial interests account for a considerable European population at Manila and some other ports.

In 1896 the islanders attempted one of their many risings against Spanish rule. The Spanish government brought it to a close by promising reforms and paying the leader *Aguinaldo* to leave the islands. The reforms were not carried out, and only a part of the promised money was paid; and when Dewey was about to attack the Spanish in the islands, he invited Aguinaldo to return with him from China, in order to organize a native insurrection to coöperate with the American invasion. The insurgents hailed the Americans as deliverers, and took an active part in the siege and capture of Manila. Soon, however, the American commanders received instructions from Washington not to treat the islanders as allies, but to assert American sovereignty over them. This led to war. After two years of regular campaigns against 50,000 American troops, the natives took to guerrilla warfare — in which their ferocious barbarities were sometimes imitated all too successfully by the Americans. In 1902 the United States declared the “rebellion” subdued.

**768.** It was after much hesitation that **President McKinley's administration** decided to hold the Philippines as a dependency — as England holds India; and the policy was at once attacked vehemently by the Democrats, and by many progressive thinkers outside that party, as **Imperialism**. The Anti-imperialists urged that such a policy not only involved bad faith with the Filipinos, but that it contravened the funda-

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<sup>1</sup> Two thirds of these are too small for habitation; and half the total area is comprised in two islands.

mental principles of our Declaration of Independence and that it must divert energy from our own problems.<sup>1</sup>

On the other hand, the Imperialists, or "Expansionists," insisted that the United States could no longer shirk responsibilities as a world power. The Filipinos, they said, were not fit for self-government; American sentiment would not tolerate returning them to Spain; and Dewey's conquest left America answerable not only for the Philippines themselves, but, more immediately, for European and American settlers and interests at Manila. These forces for expansion were reinforced, of course, by commercial greed and gross pride of power.

**769. Imperialism was a leading issue in the campaign of 1900 ;** but Mr. Bryan, once more the Democratic candidate, complicated the matter unhappily by forcing into the Democratic platform a declaration for the dying "16 to 1" cause. Again the reform forces were divided. Some radicals believed in "expansion," and others, fearing "imperialism," feared free silver more. Hanna, again the Republican manager, made skillful use of returned prosperity under Republican rule, appealing to workingmen with the campaign emblem of "the full dinner-pail." Mr. McKinley was reelected, with Theodore Roosevelt as Vice President.

"Free Silver" passed out of politics after this campaign. In 1890 gold was discovered in Alaska, and soon that wild country was pouring a yellow flood into the mints of the world—as new mines in South Africa had begun to do a little earlier still. Between 1898 and 1904, three quarters of a billion of gold money was coined in the United

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<sup>1</sup> Congress refused to recognize the Filipinos as citizens of the United States, distinctly rejecting the plea that "the Constitution follows the flag." It even refused to include the islands within the customs boundary of the United States. Our sugar trust and other protected interests demanded that the tariff on Philippine sugar, tobacco, and some other products be continued. In the main, Congress complied. The islanders had expected a free American market as one of the compensations for the lack of independence, and they regarded this policy as gross injustice, savoring of Spanish methods. The Supreme Court, however, by a series of decisions—usually by a five-to-four vote—upheld the authority of Congress to rule and tax these dependencies at will, since they "belong to" but are not "part of" the United States (§ 461).

States. The debtor class could no longer claim that the value of gold was appreciating.

**770.** *Imperialism*, too, is no longer a burning question. At first the Philippines were ruled by a Governor-general and a Commission. These American officials gradually introduced a limited local self-government for the more civilized districts, and in 1907 a small electorate of natives were permitted by Congress to elect a lower House of a Philippine Assembly with slight legislative power. In 1913 President Wilson greatly extended the appointment of natives to responsible positions; and the Philippine Government bill of 1916 placed the islands very nearly in the position of a "Territory." The Governor and Vice-Governor are still to be Americans; all other officials may be Filipinos; the electorate was extended some four-fold, and the *upper* House of the Assembly was made elective like the lower; and the Assembly was given control of all internal legislation, subject to veto by the President of the United States. The absurd tariff discriminations (note above) have been practically removed.

**771.** The first fruit of the new place of America as a World Power was the preservation of China. England had long held certain ports in that country, and within a few years Germany, France, and Russia had begun rapidly to seize province after province.<sup>1</sup> In 1899 McKinley's Secretary of State, *John Hay*,<sup>2</sup> sent a note to all powers interested in China urging them to agree that no power should shut out the citizens of other countries from its "sphere of influence" there. This "*open door*" policy, though disliked by Russia and Germany, already had the support of England, and it was favored, of course, by the small commercial countries. The forceful statement of the American position just at that time had much to do with preventing the threatened dismemberment of China. After the Boxer Rising,<sup>3</sup> some of the large European powers seemed again about to take up their old policy of seizing "territorial in-

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<sup>1</sup> *Modern World*, §§ 889-891.

<sup>2</sup> The greatest American minister of foreign affairs, — unless possibly John Quincy Adams deserves to rank with him. He had served many years before as Lincoln's private secretary, and had afterward held important diplomatic positions. He was one of the joint authors of the great *Life of Abraham Lincoln*, and had become known also as poet and novelist.

<sup>3</sup> *Modern World*, § 891.

demnities." A strong protest from Secretary Hay induced them, however, to accept *money* indemnities instead. The indemnity paid by China to the United States, it should be noted, proved much too large; and, after all just claimants had been paid, the balance was honorably returned.

In this matter of the "Open Door," the immediate incentive of American policy was the wish to prevent the exclusion of American trade from rich Oriental provinces; but that policy fell in happily with the interests of civilization and humanity. The main opposition to the American policy—in ways both secret and open—came from Kaiser Wilhelm of Germany. In a moment of justifiable irritation at the German government's methods, Hay exclaimed, "I had almost rather be the dupe of China than the chum of the Kaiser."

**772. Theodore Roosevelt** was the next force in our foreign policy. While Hay was still engaged in his correspondence with European powers regarding China, an anarchist murdered William McKinley, and that suave, gentle, cautious President was succeeded by the impetuous, aggressive, positive Roosevelt (§ 769). Hay, however, remained Secretary of State. In 1904, at the opening of the war in the Orient between Russia and Japan, Hay obtained pledges from both countries to respect the neutrality of China, and the next year Roosevelt intervened actively to bring about peace.

*The main foreign problems of the Roosevelt administration had to do with Central America.* The Latin states of America still need capital for their development, and sometimes they invite it by granting foreigners valuable franchises and "concessions." Sometimes, too, a corrupt government sells such "concessions" for far less than their value—to fill its private pockets. All such grants, corrupt or legitimate, are apt to be resented by the native population, and are sometimes revoked by succeeding governments. In this, and in many other ways, foreigners acquire claims against these countries which the states are unwilling or unable to pay. The United States has long taken the ground that the use of national force to recover

such claims for a private citizen is improper. England has *usually* adhered to the like policy. But other powerful nations have commonly shown a readiness to collect such private debts for their citizens by force or threats of force.

In 1902 ten European countries had claims, aggregating some \$38,000,000, against Venezuela. Castro, President of the Republic, defied the claimants. Finally Germany and England began a blockade of Venezuelan ports. Through the efforts of Roosevelt and Hay, the blockade was soon raised, and the claims submitted to arbitration.<sup>1</sup> This process revealed gross padding and unreasonableness in the claim; and the commission cut the amounts down to less than eight millions. Then, *under pressure from this country*, Venezuela made provision to pay this amount.

**773.** This last event has been said to create a "**New Monroe Doctrine.**" Europeans had long expressed the opinion that if the Monroe Doctrine made us the protector of semi-anarchic communities against just claims, then we must ourselves see that such debts were paid. Roosevelt seemed to assent to this doctrine. He took the ground, in this dispute, that if "chronic wrong-doing" or "impotence" in any American country called for intervention, then it would become necessary for the United States to "exercise an international police power." In 1904 he went even further, when he stepped in to obviate European intervention in bankrupt San Domingo, by virtually making the United States the "receiver" for that country in behalf of its creditors.

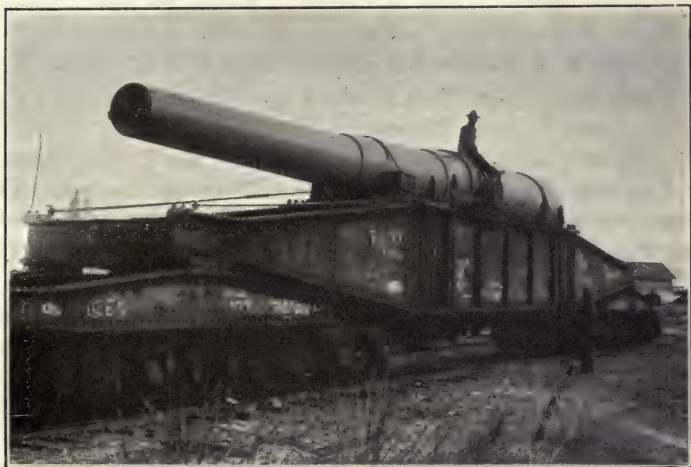
This policy has been severely criticized on the ground that it encourages foreign capitalists to engage in the wildest financial schemes in South America, guaranteeing them their claim through United States intervention. Another solution of the whole matter, much in favor among the weaker nations themselves, would be to leave all such claims against a government to arbitration by the Hague Tribunal, and to let any

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<sup>1</sup> Thayer's *Life of John Hay* reveals the startling fact that Roosevelt kept Germany from seizing Venezuelan territory by threat of instant war (II, 284-288). Roosevelt himself has recently confirmed this statement.

capitalist take the risk, if he seeks investments in countries which would not regard such arbitration.

**774.** More important still was the movement for the **Panama Canal**. In 1881 a French Panama Canal Company began work at the Isthmus, but eight years later the project came to an ignoble end in financial scandal, with little to show for the \$260,000,000 expenditure. Secretary Blaine (§ 758) was then earnestly desirous of making the canal the concern of the



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**A GUN FOR THE PANAMA FORTIFICATIONS**, in the course of transportation from the factory. One of the world's biggest 16-inch guns. From a photograph.

United States government; but the Clayton-Bulwer treaty (§ 705) prevented.

The Spanish War brought the matter forcibly to public attention again, — especially when the battleship *Oregon*, much needed to reinforce the American Atlantic squadron, had to circle the Horn to get to Cuban waters. The American people began to demand an interoceanic canal under American control; and the extremely cordial attitude of England during the struggle made it easy now to secure from her a waiver of her rights

under the ancient treaty. In 1902 the United States bought up the rights of the Panama Company. The government was unwilling, however, to undertake so vast a work unless it could secure sovereignty over a considerable strip of territory, so as to police the route effectively. Colombia refused the treaty urged upon it by President Roosevelt. The American government felt that it was being held up for unreasonable booty. Two weeks later an opportune revolution in the little republic separated Panama from Colombia. American naval forces were so disposed as to assist the revolution materially; and ex-President Roosevelt has acknowledged that the revolt was directly manipulated from Washington. (Said he frankly some years later, "I took Panama.") The new Panama Republic immediately made the necessary cession to the United States.

The canal was now undertaken as a National project. Astounding problems of labor, sanitation, supplies, and engineering were solved effectively, and in 1915 the Canal was formally opened.

**775.** The United States took a creditable part at the Hague Conference in 1899<sup>1</sup> and at the second meeting in 1907. During the years 1903-1905 thirty-three separate treaties between various European powers provided for arbitration of international differences by the Hague Tribunal or some other standing commission. In 1904 ten such treaties negotiated by Secretary Hay with important countries were submitted to our Senate for ratification, with the strong indorsement of President Roosevelt. The Senate, influenced by general factiousness and by dislike of the strenuous President, rendered the treaties useless by unacceptable amendments, as it had rejected the earlier proposal of like character between England and the United States (§ 758). Some like treaties were afterward ratified, but during the sessions of 1911 and 1912, the Senate showed marked hostility to another extension of the principle of arbitration strongly urged by President Taft.

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<sup>1</sup> *Modern World*, § 917.

The absence of Germany's name from all these lists of arbitration treaties, and her defeat of England's proposals for disarmament at the Hague Congresses (*Modern World*) were ominous of peril to the peace movement. All these treaties, too, leave loopholes for passion and war by exempting from arbitration questions "affecting the national honor." But in 1913-1914, Mr. Bryan, as Secretary of State for President Wilson, secured the ratification of treaties "further to promote peace" with England and France, and with many smaller states, providing in each case that the two parties shall submit *all* disputes to an impartial tribunal *for investigation and report*, with a year's interval for negotiation and reflection, before making war.

FOR FURTHER READING. — Either Paxson's *New Nation* or Bassett's *Short History of the United States* gives a good treatment of the topics of this chapter. More detail on some of them may be found in Fish's *American Diplomacy* or in Thayer's *Life of John Hay*.

## CHAPTER LXV

### THE PEOPLE VS. PRIVILEGE

*The fundamental division of powers in the Constitution of the United States is between voters on the one hand and property owners on the other. The forces of democracy, on one side, divided between the executive and the legislature, are set over against the forces of property on the other side, with the judiciary as arbiter between them.* — ARTHUR T. HADLEY, of Yale, in *The Independent*, April 16, 1908.

776. ABOUT 1890, **social unrest** was becoming the most marked feature of American life. The "business age" since the Civil War had seen wealth multiply enormously; but that wealth had become more and more concentrated in a few hands, and *those hands* more and more *dominated* politics and *the daily life of every citizen*. In nearly every State of the Union, in the late sixties and the seventies, groups of keen, forceful men, more farsighted than their neighbors, grasped for themselves the main resources and opportunities, — mines, forests, water power, lines of easy rail communication, and so on. These rising capitalists then reached out for *special privileges*. To obtain these, they set themselves deliberately to fill legislatures, courts, and governors' chairs with their creatures, and to intrench themselves behind laws framed for their advantage. The old forms of popular government were untouched; but the people had let real mastery in city, State, and Nation slip to a narrow plutocracy, which fed fat at the general expense and made the "representatives" of the public its private errand boys.

The modern industrial organization of labor *produces* wealth with gratifying rapidity, but fails to *distribute* it well.<sup>1</sup> Amer-

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<sup>1</sup> Between 1860 and 1900 the ratio of wealth to population (per capita wealth) was magnified by four, but the average workman was not four times better

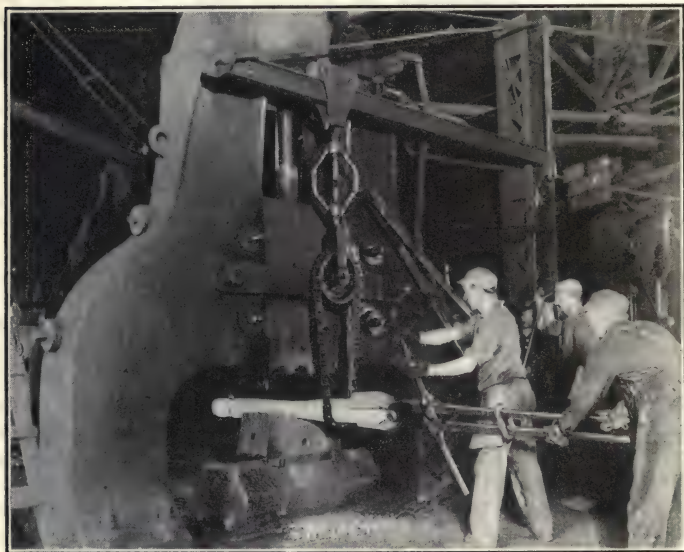
ica is rich, but too many Americans are horribly poor. And this modern poverty is harder to bear than that of colonial times because it seems less necessary. Then there was little wealth to divide. Now the poor man is jostled by ostentatious affluence marked by wasteful and sometimes vicious expenditure. Moreover, in the early day, when no man was very rich anyway, there was always one lever within reach to help lessen the inequalities, — namely, free land at every man's door. Since 1800 this condition has been more remote, — appertaining to a distant frontier. *Since 1890 it has disappeared from American life.*

**777.** Combination in the management of industry follows naturally from modern facilities like the railway and telegraph. It makes possible the use of costlier machinery, utilizes former wastes into by-products, and saves labor of hand and brain. This ought to mean *a coöperative saving for all*: in actual fact, it has meant too often *a monopoly privilege of plunder for a few*. The problem of the age is to secure the proper gains of inevitable and wholesome combination and at the same time to restore to the individual his industrial and political liberty. For a generation after the war that freed the slave, moral enthusiasm had small place in politics. Commercialism held the reins. New evils grew upon the life of the people with little check, so long as they threw no immediate obstacles in the path of "prosperity's" chariot wheels. But about 1890 a new tide of moral earnestness began to swell in American life, comparable only with that which marked the days of Abraham Lincoln. Again the people heard the call to line up in *a struggle for*

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off — nor, indeed, the average employer. According to the careful investigation of the Bureau of Labor, the average workingman was only a fourth better off, while great multitudes were vastly worse off. Nine tenths the vast increase of wealth went to one tenth the population, while at least two tenths of the people were reduced to a stage of poverty where health and decency are imperiled. (For some details, see *American History and Government*, § 444.) The tenth at the apex of the social pyramid contains real "captains of industry," but it contains also pirates and parasites. Service to society has less to do with its revenues than plunder and privilege have. The two tenths at the base of the pyramid contain many men whose poverty results from physical or mental or moral lack (though these qualities are quite as often a result of poverty as a cause); but it contains also multitudes of willing, hard-working, sober men and women who deserve a chance, now denied, at decent, useful, happy lives.

*Social Justice* against Vested Wrong and Special Privilege, which, like the Slave Power, reaped where they had not sown. The Nation awoke shamed ; but it awoke in the dark, enmeshed in a net of intangible chains, and found itself for a time curiously unable to grapple with its enemy. The struggle is best seen in the story of the Railroads, of the Trusts, and of Political Corruption.



*Courtesy of the Carnegie Steel Company.*

**FORGING A RAILWAY CAR AXLE**, at the Howard Axle Works, Homestead, Pa. The drop-hammer, about to strike upon the white-hot axle, weighs three and a half tons, and is one of fourteen such hammers in these works.

## I. RAILROADS

**778.** In the '70's, railway construction (§ 728) had outrun the real business demand, and the roads were driven to ferocious and ruinous competition. In '73 came a "panic," properly known as a "**railroad panic.**" Railroad presidents explained it on this ground of over-investment ; but **another cause**, at least as important, **was over-capitalization.** The operating companies really were poor ; *but the men who had built the roads, and*

"inside" manipulators like the Goulds and Vanderbilts, had become fabulously rich. Often they had put in practically no money, — building the roads from National or State grants,<sup>1</sup> or with money borrowed by bond sales, secured on the future road. Then they had sold stock, to any amount which they could persuade a credulous public to buy, pocketing the millions of proceeds, and leaving the corporations upon which they had "unloaded" to extort in rates from the people the interest not only on the legitimate investment, but also on this "water."

**779. Excursus: "Watered Stock."** — When the stock and bonds of a corporation equal the money actually invested, the value is fully "capitalized." To make the legitimate investment "pay," it must secure an income sufficient to pay running expenses and good interest on this capitalization, and also to set aside a fair amount to cover "depreciation" (as in the wearing out of engines or their passing out of use because of better inventions). Whenever more capital is put into improvements, it is proper for a board of directors to sell more stock or to issue more bonds, representing the increased value. But to sell stock or bonds upon an old investment already fully capitalized is to *dilute values* improperly. This is a fraud upon either the purchasers or the public, — usually the latter, since it is compelled to pay interest on this "water."

The public-service corporations, such as railroads and city gas companies, have peculiar facilities for selling such over-issues of stock because of the *monopoly privilege* conferred upon them by society. Indeed, "watered stock" upon which dividends can really be paid, represents monopoly, natural or artificial. Whenever dividends become so large as

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<sup>1</sup> Before 1873, more than 150 millions of acres had been granted to railroads out of the public domain (about as much as passed to settlers under the Homestead Act up to 1900; map, p. 595), besides lavish "bounties" paid by rival towns along possible routes. In 1872 every party platform demanded that such grants cease. President Cleveland's first Message (1885) dwelt upon the shamelessness with which the nation's "princely grants" for public uses had been "diverted to private gains and corrupt uses," and Congress then enforced the forfeiture to the government of many million acres, for non-fulfillment of contracts by the companies. The worst offenders, however, could no longer be reached. When Mr. C. P. Huntington (one of the magnates who had wrung vast fortunes out of Pacific railroad manipulations) was told that the government would take possession of his road if he failed still to keep his contracts, he answered callously: "Quite welcome. There is nothing left but two streaks of rust."

to incur danger from popular indignation (say 12 per cent), it has been the practice of public-service corporations to disguise their profits by issuing more stock (each holder receiving perhaps two shares for one). The company then claims the right to charge enough to pay a "reasonable" dividend of at least 6 per cent upon this "water," urging especially the rights of "widows and orphans" who have acquired stock by innocent purchase. *Such dividends represent an unreasonable tax upon the community, including multitudes of other widows and orphans, who are forced to pay higher prices for almost all commodities.* Until quite lately, little attempt was made to prevent stock-watering, and public control is not yet efficient. In general, when the "water" has once been marketed, the courts have protected the corporations in their claims to dividend-paying rates.

**780.** In the five years following the panic of '73, half the railway mileage in the country was sold under the hammer or passed into the hands of "receivers." This condition gave special opportunity for strong lines to absorb weak ones, and explains the rapid consolidation of that period (§ 728). That consolidation put an end to the worst of the old cut-throat competition for freight business. Still further to prevent rate-wars, **the roads within a given territory** (as between Chicago and New York) **adopted the plan, about 1880, of throwing all earnings into a common "pool,"** to be divided according to a set ratio. This device restored the railroad to its natural place as a monopoly.

**781.** True, with the swelling of business, freight rates continued to fall <sup>1</sup>—*but not so fast as did the cost of transportation*, because of bigger engines, larger train-loads, and longer hauls. **The public did not get its share of the saving.** Railway profits rose so as to permit high dividends upon the watered stock, even after wasteful management.

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<sup>1</sup> In 1865 the average rate for one ton one mile was about 2 cents. By 1877, it was 1½ cents, and in 1900 only ¾ of a cent. But in spite of these low averages, many localities paid much higher rates. Moreover, long hauls, as in carrying Montana cattle to Chicago, or Kansas wheat to New York, cost so much less than small local business that the roads made huge profits at the lowest rates—while even those "low" rates confiscated the inland farmer's profits.

In fixing rates for localities where *one road* controlled the freight business, the maxim early became "*all the traffic will bear.*"<sup>1</sup> The road, existing by virtue of a franchise from the people, and sometimes built by other gifts from the people, extorted from the people all their surplus profits above what it seemed advisable to leave them in order to induce them to go on producing more freight. Roads used their power, too, to destroy one city and build up another, sometimes perhaps to give a chance to those "on the inside" for profits in real estate. Often they *favoured large cities at the expense of small ones*, and *gave lower rates to large shippers than to small ones*.

This last and worst abuse was secret, and the companies were sometimes the unwilling victims themselves. To get the business of great shippers, they felt compelled to submit to demands for secret rates; and sometimes they even favored such a shipper by imposing a particularly high rate upon a competing shipper. At one time the growing Standard Oil Company ordered a railway to "give another twist to the screw" upon a rival oil company which it desired to put out of business.

**782.** For long the intense desire for railway advantages prevented attempts at **public regulation of these abuses**. The region northwest of Chicago and west of the Mississippi in the sixties and seventies was peculiarly the creation of the railway. While these communities were in their hopeful youth, they had eagerly offered every possible inducement to railway promoters, often unwisely. Later, especially in periods of business depression, they began to feel keenly the mastery of the railway over them and their fortunes, and to agitate against it.

In the early seventies, over the Northwest there sprang up organizations of farmers calling themselves "**Patrons of Husbandry**,"<sup>2</sup> or *Grangers*, to do away with unfair railway discrimination and unduly high rates. They held the railway a

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<sup>1</sup> In 1885 a committee of the United States Senate asserted that railroad rates generally were based, not on cost of service, but on "what the traffic would bear."

<sup>2</sup> Each local organization was a "Grange." It was a farmers' club; the men talked politics at the meetings, while the women got a picnic supper ready. These "granges" were federated in State organizations. The

*quasi-public* business, subject to public regulation through legislation, as the ferryboat and inn had been regarded for centuries by the Common Law; and under their impulse several States fixed freight rates by law. In 1871 Illinois took the wise method of appointing a State Railway Commission to fix rates and prevent discriminations. This example was soon followed throughout the West and Southwest, and much other restrictive legislation was adopted.

The railways, and the Eastern bondholders whose money had largely built them, railed at all such legislation, not merely as unwise but as wicked and confiscatory. The railway, *they* held, was a private business; and legislatures had no more right to fix its rates than to fix the price at which a store should sell shoes. In 1877, however, in a famous decision (*Munn vs. Illinois*) the Supreme Court declared that such institutions as railways and warehouses existed *subject to the power of the body politic to regulate them for the public good*. American law took a great step forward in this decision. And it came about because the disorderly, debtor, relatively ignorant West, under the pressure of its needs, had seen further than the cultured, wealthy, comfortable East.

**783.** Much of the Granger legislation was unreasonable. The legislators were largely untrained, ignorant men; and they worked in the dark anyway *because the railways refused to make public any information about the business*. Sometimes, too, the legislation was infused with a bitter desire for retaliation. On the other hand, the Companies fought the most proper regulation by despicable methods. They bulldozed timid business interests by ceasing railway extension, or threatening to cease it; and when a law had been enacted they commonly kept it ineffective by getting repeated delays in the courts from judges whom, in many cases, they had influenced by political support or by free passes and other disgraceful favors. Most of the Granger laws were finally repealed. Railway commissions, however, are now found in almost every State, with authority at least to investigate charges and give publicity to facts about the railroad business.

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Grangers were the first workingman's party outside the cities. The whole movement is admirably treated, briefly, in Paxson's *New Nation*, 66-72; and some of the paragraphs in that treatment are summarized here.

**784.** Next came attempts at *National* control. From the first, one argument against the Granger State laws had been that only Congress had the right to regulate interstate commerce — and nearly all railway business came under this head. In 1886 the Supreme Court took this ground in a sweeping decision, declaring that a State could not regulate the carriage of goods billed to another State *even for that part of the journey within its own borders*. This put an end to effective regulation of railroads by the States, but it did not affect the previous decision that the public had the right *through some agency* to control these “common carriers.”

The only remaining agency was Congress. So far that body had refused to act ; but now (1887) it passed the *Interstate Commerce Act*, forbidding pooling, secret rates, and all kinds of discriminations. The law also created a Commission to investigate complaints and punish offenses by the roads.

**785.** This Interstate Commerce Act promised a better day. The roads, however, persistently evaded or disobeyed the law, and **its main intent was soon nullified** by decisions of the courts. Congress meant to make the Commission the final authority as to *facts*, leaving to the Federal courts only a power to review the decisions, on appeals, as to their reasonableness, the facts being taken as the Commission had determined them. The courts, however, determined to permit *the introduction of new evidence* on such appeals. This meant a new trial in every case, and destroyed the character of the Commission. The Commission was hampered, too, by other decisions of the courts — as by one which set aside its authority to compel the companies to produce their books. As the veteran Justice Harlan declared indignantly, in a dissenting opinion, the Commission was “*shorn by judicial interpretation of authority to do anything of effective character.*” In 1898 the Commission itself formally declared its position “intolerable.”

**786.** In Roosevelt’s administration the **Hepburn Act** (1906) sought to revive the authority of the Commission, empowering it even to fix “just and reasonable rates,” subject to review by

the Federal courts.<sup>1</sup> The law also forbade roads (1) to grant free passes, (2) give "rebates" (partial repayments), or (3) carry their own produce.

a. Lavish grants of passes, good for a year, and renewed each New Year, extending sometimes to free travel across the continent and back, had been one of the most common means



**THE BIGGEST ELECTRIC LOCOMOTIVE.** The railroads have kept pace with other industries in material development. The electric locomotive here pictured is one of forty-two that haul passengers and freight over the great Continental Divide, in Montana. It weighs 282 tons, and can haul 3200 tons (six and a half million pounds) up a one per cent grade at 16 miles an hour; or, geared for higher speed, it can pull a passenger train of 800 tons on a level at a mile a minute.

of indirect bribery of legislators, congressmen, and newspapers. Sometimes a judge traveled on such a pass to the court where he tried cases in which the railroad was a party. Apart from

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<sup>1</sup> In 1910 all such appeals were referred to a new *Commerce Court* created especially to deal with them. Radicals looked askance at this new court, whose members were all appointed at once for life by the conservative President Taft, and the feeling was soon justified. The Commerce Court hampered and harassed the great Interstate Commerce Commission, and in 1913 it was abolished. (Cf. § 447, note.) Shortly before, Justice Archbold, one of its members, had been removed for graft, by impeachment. Cf. § 450.

the corrupting influence of the practice, too, the public had of course to pay for the passes in higher rates. In this matter Congressional prohibition was preceded by similar prohibition in many of the States ; and this reform is now firmly established.

b. Rebates had long been one of the chief methods of evading the Interstate Commerce law against discriminations. Certain favored shippers, no longer given better rates than their neighbors *directly*, were still given secret rebates in coin, or, still less directly, were allowed to falsify their billing of freight, so as to come under a lower legal rate, or were paid unreasonable allowances for storing or handling freight themselves, or for the rent of private cars furnished by the customers. The receivers of the Baltimore and Ohio Road in 1898 testified that more than half the freight of the country was still carried on discriminating rates. Says Professor Davis R. Dewey (*National Problems*, 103): "The ingenuity of officials in breaking the spirit of the law knew no limit and *is a discouraging commentary on the dishonesty which had penetrated to the heart of business enterprise*"; and one of the great railroad presidents mourned, in 1907, that good faith had "departed from the railroad world." When company and shipper agree in trying to deceive the authorities in such a matter, proof is exceedingly difficult; and it is too much to suppose that the more stringent provisions of the Hepburn Act have wholly done away with this demoralizing practice.

c. Certain Pennsylvania Roads owned the most important coal mines in the country, and paid themselves what they pleased, out of one pocket into another, for carrying coal to market, — so excusing themselves for a higher price to the consumer. The last prohibition referred to above (3) attempted to stop this practice. So far, the attempt is fruitless. The United States Steel Corporation mines iron in northern Minnesota. In deference to the Hepburn Act the Corporation is not also a railroad corporation; but *the same group of capitalists under another name* own railroads (on the "community of interest" method) which carry the ore to market at extravagant rates.

787. This struggle with the railroads has gone on now for two generations. *Much time was lost because*, for long, many people hoped that rates could be kept down if only *free competition* could be maintained between rival roads. But when pooling was forbidden (§ 784), the roads sought refuge in *secret* "rate agreements" among themselves; and when the Supreme Court in 1897 held such an "agreement" a "conspiracy in restraint of trade" (and, as such, forbidden by the Sherman Anti-trust Act of 1890), they merely consolidated ownership more rapidly than had ever before been dreamed possible (§ 728). In 1904 the Supreme Court made a futile effort to stop this movement by declaring the consolidation of *parallel* lines illegal (Northern Securities Case) under the same Anti-trust Act. But, once more, combination to avoid competition was merely driven to another disguise. The groups of capitalists no longer consolidated the stock of different companies into one, with one board of directors; but they exchanged among themselves the stock of the different companies which they controlled, and memberships in the different governing boards, and so maintained *a community of ownership and management*. In 1913, in the administration of Woodrow Wilson, an attempt was made to limit by law the memberships on such boards to be held by any one man.

Before America had been in the World War a year it was plain that *consolidation of management had not gone far enough* to secure efficient service for the public. The waste and the delays due to lack of unity in transportation became a national menace. The whole country, railway corporations included, breathed more freely when President Wilson seized control for the Nation, with one central authority. What will be done with the roads after the war, no one can now (1918) say; but we may be sure the country will not return to the evils of separate management.

## II. "BIG BUSINESS"

788. The people have the task also of learning to control other kinds of monopolies besides railroads. Ownership of a water power or of a mine is a *natural monopoly*. More and more the feeling grows that society should *own* such monopolies. Another slightly different sort of monopoly is represented by certain kinds of business, like railroads or city lighting, where competition is either altogether impossible, or where at least it would be excessively silly and wasteful. Sometimes, in such cases, the government grants an *exclusive* franchise to some company, and so creates a *legal monopoly*. In any case, these forms of business are usually classed with the "natural monopolies," since they are monopolistic "in the nature of the case." They derive their existence, how-

ever, not from nature alone but *directly* from some franchise grant *by society*; and so they are even more generally looked upon as suitable for control by society.

But modern "Big Business" creates a still different sort of monopoly. A great manufacturing "trust" calls for so much capital that a competitor can hardly afford to try to build factories and secure machinery, with the uncertainties of the certain commercial war before it. If the attempt is made, the stronger enterprise kills off the other, if necessary by selling below cost, — recouping itself afterward by plundering the public when it again has the market to itself. This kind of monopoly is recent, and in outer form it resembles the competitive business of former days. Society awakened only slowly to the need of regulating it effectively for the common good. Even to-day such combinations are sheltered from public control, and sometimes from public investigation, by the legal principles of an outgrown age of individualism.

**789.** The first famous illustration of this sort of monopoly was the **Standard Oil Trust**. Crude petroleum ("rock oil") had been used for many years as a liniment ("Seneca Oil"), and about 1860 it began to be used, in a refined form, for illumination in place of the older "whale oil." Companies were soon formed to produce and refine it on a large scale.

In 1865 the Standard Oil Company was organized in Cleveland with a capital of only \$100,000. Under the skillful management of John D. Rockefeller it soon began to absorb the other like companies in that city — which was already the center of the industry of refining crude petroleum. Thus it grew powerful enough, and its management was unscrupulous enough, to compel railway companies to set up secret discriminations *for* it, and *against* its rivals (§ 781), until it absorbed or killed off most of the oil companies in the country. In 1870 the Standard Oil was one of 250 competing companies, and its output was less than one twentieth the whole: in 1877 it controlled nineteen twentieths the output, and of the few remaining companies the leading forty were "affiliated," and took orders from it. By grossly unfair and piratical methods it had made broken men or suicides of honest competitors. A powerful lobby long prevented legislative interference, and the Standard Oil attorneys were generally successful in the courts.

Meantime its capital had been increased to 90 millions — on which it paid the enormous dividend of 20 millions of dollars.

A few independent companies, however, were still putting up so stiff a fight that a closer organization seemed needful to insure success for the monopoly; and, in 1882, *Rockefeller invented the "trust."* The forty affiliated companies turned over their property to one board of nine *trustees*, each stockholder in an old company receiving proper certificates of stock in the new organization. This board of trustees managed the whole business. The arrangement was secret and exceedingly informal and elastic. The trust was not incorporated. The trustees, when convenient, could easily deny knowledge of the doings of subordinate companies, or disavow responsibility for them; and, with better reason, the companies could throw responsibility upon the intangible "trust."

**790. Other industries seized at once upon this new device** for consolidating management and capital. It proved eminently satisfactory to the average *stockholder*, though, in the process of organization, many small companies were squeezed out of their property; but it abolished competition, which had always been regarded as the sole safeguard (1) of the *consumer*, (2) of the *small producer of raw material*, and (3) of the *laborer*. The Standard Oil Trust *bought* from the owner of an oil well at its own price, being practically the only buyer. So the Meat Trust bought from the cattle raiser. Then the trust *sold* its finished product at its own rate, — which was sometimes an advance upon former prices, and which was *never reduced enough to correspond with the decreased cost of production*. The profits to the stockholders have steadily mounted, even when prices have been somewhat lower; and the "cost of living" has been made unduly high. Sometimes, as with tin and steel plate of some sorts, the absence of competition, together with the prevalent low business morality, led to scandalous deterioration in the goods put upon the market, and so robbed the consumer doubly.

**791.** Finally people took alarm. States enacted anti-trust legislation (for the most part, futile); and, in 1890, Congress

passed the *Sherman Anti-trust Act*,<sup>1</sup> forbidding "every combination" in restraint of *interstate* commerce. Again the Standard Oil led the way. With cheap, superficial obedience, it dissolved into twenty companies; but *one and the same group of capitalists* retained the controlling interest in the stock of each company, and composed the twenty "inter-locking" boards of directors. Other trusts followed this method of



*Courtesy of the Carnegie Steel Company.*

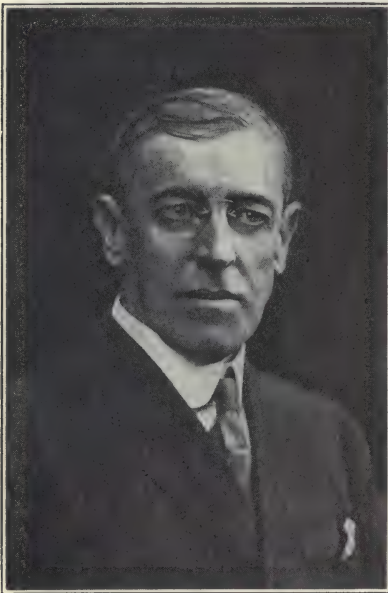
**SHEARING OFF STEEL SLABS.**

maintaining "community of interest and management," as the railways were to do later (§ 787); or they *reorganized openly as huge corporations*. The term "trust" was abandoned as a technical business term; but it remains properly enough in popular use to describe either of these forms by which aggregated capital monopolizes an industry.

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<sup>1</sup> So called from Senator John Sherman of Ohio, who, however, had little to do with drafting the law, though he advocated it in ardent speeches.

**792.** Indeed, the monopolistic movement had only begun. In 1890 there were a score of "trusts" in the United States with an aggregate capital of a third of a billion dollars. In 1899 there were about 150, mostly organized within two years, with a total capital of over three billions. In 1901 came the organization of the United States Steel Corporation, with a total capitalization of \$1,400,000,000, of which — according to a later government investigation — \$400,000,000 was water.<sup>1</sup> Between 1900 and 1904 it is generally estimated that the number



WOODROW WILSON. From a photograph taken during his governorship.

of trusts was multiplied by eight or nine, and that the capitalization rose from three billions to over thirty billions. Of this immense sum, a huge portion was in seven companies, and these had manifold and intricate ramifications; so that three or four men, perhaps, held real control.

**793.** Attempts at State regulation of trusts to lessen the evils of monopoly have taken the form of State laws which permit incorporation only on condition (1) that there shall be no stock-watering, (2) that publicity of management shall be secured, and (3) that officials may be held strictly to account. Such legislation, though characteristic of nearly every State, was long rendered of no account by three "trust-owned" States, —

<sup>1</sup> An ominous fact was that this "trust" held title to more than four fifths of all known iron-ore lands in the Appalachian and Superior districts.

New Jersey, Delaware, and West Virginia. These three merely opened the door wider than before to incorporations of every sort. A corporation organized in any State can do business in all, and can be deprived of its charter only by the home State. Accordingly, by 1907, 95 per cent of the American trusts had found refuge in these three States. In 1913 their citadel in the favorite State of New Jersey was overthrown by the resolute democracy of the governor, Woodrow Wilson;<sup>1</sup> but their opportunity to pick any one of forty-eight States in which to corrupt a legislature still makes it almost impossible for other States to control them.

**794.** Some States began an attempt to curb the power of monopoly, and to take back for the public at least a small part of its unreasonable profits, by taxing great corporations higher than ordinary individuals were taxed. This line of operation was also stopped at once (1882) by the Supreme Court, under authority of the Fourteenth Amendment. That Amendment forbade a State to discriminate among *persons*. In the Case of *California vs. the Southern Pacific Railroad* the Court held that a corporation is a "person" in the meaning of the word in this Amendment, though no one thought of such a thing when the Amendment was being ratified. Accordingly no taxation can be applied to corporations, even to specially favored public-service corporations, other than to other citizens.<sup>2</sup>

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<sup>1</sup> On his last day of office, after a splendid two-years battle, Governor Wilson signed seven "anti-trust" bills, which made New Jersey perhaps the most "trust-proof" State in the Union.

<sup>2</sup> In no other civilized land is the government so powerless to deal with aggregated wealth as this decision makes the *States* of the Union. The Fourteenth Amendment had been robbed of its intent — to protect *real persons*, of dark skins, by previous decisions of the Court (§ 710). By this decision it was converted into a shield to protect *artificial persons*, in the shape of dangerous monopolies, from needful regulation by the people. The Southern Pacific Case is to be coupled with the Dartmouth College Case (§ 355) as explaining how the Constitution has been made a shelter to property interests against public control far beyond anything contemplated even by the founders of the Constitution. For the next thirty years the Southern Pacific was "king" in California.

**795.** Some democratic thinkers recognize that **the trust**, or at least consolidation of management, is **inevitable** in various lines of industry. Some such thinkers hold that the present evils will be corrected by the trusts themselves, under the influence of a more intelligent public opinion; and they look with hope to the work of the Bureau of Corporations, established in 1903, — a branch of the government to *investigate* the organization and conduct of corporations engaged in interstate commerce, — and to the Federal Trade Commission of 1916 (§ 845).

**796.** Said Senator Sherman, in the debate on the Anti-trust act, in 1890: —

“If the concentrated powers of this combination [the relatively small trusts of 1890] are entrusted to a single man, it is kingly prerogative, inconsistent with our form of government. . . . *If we will not endure a king as a political power, we should not endure a king over the production, transportation, and sale of any of the necessities of life.* If we would not submit to an emperor, we should not submit to an *autocrat of trade* with power to . . . fix the price of any commodity.”

But **the most serious power** of such aggregated capital is **exercised in indirect ways**. It can, at will, withdraw money from circulation, compel banks, therefore, to contract loans; force factories, accordingly, even those not in any way owned by the combination, to shut down or to cut down output and discharge workmen; and so bring on business depression and starvation. There seems little doubt that such power has been often used in slight degree and for short flurries, to influence the stock market and favor gambling enterprises there; and many thinkers believe that it has been used more than once to cause a “panic” in order to intimidate timid reformers in the battle for civic righteousness, — which might otherwise soon interfere with the money trust’s ownership of judges and congressmen. The same tremendous power, without question, aims intelligently at the control of higher educational institutions, buys up the “muckraking” magazines, and dominates multitudes of newspapers.

FOR FURTHER READING. — Ida Tarbell, *History of the Standard Oil Company*; in fiction, — Norris, *The Pit* and *The Octopus*. For a brief general treatment, Paxson’s *New Nation* remains the best guide.

### III. PUBLIC SERVICE CORPORATIONS AND CORRUPT GOVERNMENT

**797.** After the Civil War, the growth of cities and of new inventions began to give tremendous importance to gas companies, electric lighting companies, water companies, telephone companies, and street car companies. **The tendency toward municipal corruption was frightfully augmented by the growth of these new "public service corporations."** Each had to get the right to use the public streets for tracks or pipes or wires, in order to do business. In the early decades of the period, the company usually tried to get a charter giving it *exclusive* use of the streets, for its kind of business, for a long term of years or in perpetuity. At the same time it sought to escape any real public control over its rates or over the service it should render, by making vague the charter clauses bearing on such matters, or by inserting "jokers" to destroy their apparent force.

Shrewd men saw that such grants would become increasingly profitable with the growth of city population; and, to secure them, some corporations found it profitable to buy up public officials on a large scale. If a charter was decently just to the city, the corporation often prevented the enforcement of the best provisions for years by getting its own tools elected to legislatures or city councils or judgeships, and by having other tools appointed to the inspectorships which were supposed to see that the company's service was as good as called for in its contract.

**798.** These forces were largely responsible for an increased body of political "grafters" in the governing bodies of State and city, — *who were then ready to extend their operations unblushingly to other parts of the public business*, as in extorting bribes from business men who wished contracts for furnishing supplies to the city or for building city improvements.

*Public graft became an organized business.* City pay rolls were padded with names of men who rendered no service, sometimes of men who did not exist but whose salaries were

drawn to fatten the income of some "boss." Important offices were turned over to incompetents, favored for political service. The corruption of American city government was exceeded only by its inefficiency.<sup>1</sup> Commonly, too, it allied itself not only with public, but also with *private* crime. Police departments permitted gamblers and thieves and thugs to ply their trades with impunity, so long as they did not become too notorious; and in return the precinct captains collected each week regular pay envelopes from the criminals, — the greater part of which went ultimately to higher officials, — chief of police, mayor, or political boss.

**799.** The first case of city corruption to catch the public attention was the infamous *Tweed Ring*, which robbed New York City of a hundred million dollars in two years (1869–1870). This ring was finally broken up, and "Boss" Tweed was sent to Sing-Sing, largely through the fearless skill of Samuel J. Tilden, soon after the Democratic candidate for the presidency (§ 718). For long it was a pet delusion of "respectable" Republicans that the New York scandal was an exceptional case, due to the deplorable fact that New York was controlled by a Democratic organization (Tammany); but later it developed that Tammany's methods were coarse and clumsy compared with those by which a Republican "ring" had looted Philadelphia.

**800.** Slowly we have learned that **corruption has no party**. The biggest "boss" naturally allies himself with whichever party is usually in control in his district; but he has a perfect understanding with corrupt leaders of the other party, upon whom he can call for help against any revolt within his own organization, so "playing both ends against the middle." The surest weapon at the service of these sly rogues is an appeal to the voters to be loyal to the party, — so dividing good men and obscuring real issues in local government. Nor does one house-

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<sup>1</sup> About 1890 Andrew D. White visited many of the most important European cities. At Constantinople, he wrote, the rotting docks and general evidence of inefficiency made him *homesick*: nowhere else had he been so reminded of American cities (!).

cleaning and the punishment of a few rascals end the matter. Gains are too great. In a few years, New York and Philadelphia were again dominated by rings quite as bad as the first ones. With an occasional spasm of ineffectual reform, such conditions remained characteristic of practically every important city until the rising of the mighty tide of reform about the opening of the new century; and the fight for clean government is not yet won.

**801. The graduation of corrupted scoundrels from city and State politics into National politics** is one cause of the degradation that befell the latter (§ 714 ff.). But National politics had also its own troubles. What a street car company or a gas company was to a city council or to a State judiciary, a railroad or a Standard Oil Company was to Congress and the Federal bench. Corporations which wish to keep on good terms with the party machinery in State and Nation have been the main sources of campaign funds.<sup>1</sup> Usually such a corporation has kept on the safe side by contributing to both parties, — somewhat more liberally to the one in power, from which favors are the more likely to come. The immense contributions from such sources have been a chief means of political corruption in campaigns. Meantime, the people have to pay these contributions indirectly in higher prices, — *since the amounts are charged up to "operating expenses" by the corporations.*

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<sup>1</sup> The law of 1911 to compel publicity by the National Committees of all political parties as to the source of all their funds is helping to correct this evil, though it needs much amendment (1918). During the election of 1912, a congressional investigation proved conclusively, by the sworn testimony of the heads of the great "trusts," that there really had existed a close alliance between certain privileged interests and guiding forces in the government, such as the general public had only dimly suspected. Mr. H. O. Havemeyer, President of the Sugar Trust, was asked whether his Trust made political contributions in the campaigns. "Yes," he said frankly; "we always do that. In New York [controlled by Democrats] we throw [our contribution] their way. In Massachusetts, where the Republicans are dominant, they 'have the call.' Wherever there is a dominant party . . . that is the party that gets the contribution, *because it is the party that controls local matters*" [election of congressmen, governors, State judges, etc.].

**802.** This public corruption does not come in any considerable degree from ordinary competitive business. *Public* corruption comes from the desire to secure *special privilege*. The public service corporation in the city is the source of municipal corruption: the ordinary business man, who pays a bribe perhaps to secure a city contract, is rather a victim than a first cause. So in the Nation, the railroads, with their land grants or their desire to evade legal control, and, later, the fattened trusts which wish to preserve some tariff "protection," are the source of National corruption. The city or State "boss" who "delivers the goods" to these privileged corporations seems at first sight the front and substance of the corruption; but, in real fact, he is merely an agent, permitted to pay himself in loot, but set in motion and protected by "the man higher up," the respectable head of great business interests.<sup>1</sup> These large interests draw after them smaller business men, sometimes by brutal coercion, but more commonly by merely playing artfully upon the phrase that any attempt at reform "hurts business." Almost every genuine reform movement in America so far has found its chief foe, after a brief run, in this despicable phrase. (Cf. § 671.)

FOR FURTHER READING. — The books mentioned on page 611 all have value for this chapter. There are also many interesting autobiographies of leading actors for this period and this topic, — especially, La Follette's *Personal Narrative*; Roosevelt's *Fifty Years*; Tom L. Johnson's *My Story*; and Brand Whitlock's *Forty Years of It*. In fiction, Ford's *Peter Stirling* is a striking study of municipal problems about 1890 with a hero who was popularly supposed to be modeled upon Grover Cleveland, though the author denied any such intention. The improvement in the attitude of many heads of "big business" toward labor problems is pictured with faithfulness in Ida Tarbell's *The Golden Rule in Business*.

*All these references remain good for the remainder of the volume.*

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<sup>1</sup> Every student should read Judge Ben B. Lindsey's *The Beast and the Jungle*, — the best and most dramatic portrayal in literature of the truth above stated (Doubleday, 1910, \$1.50).

## CHAPTER LXVI

### FORWARD MOVEMENTS

**803.** *The new moral earnestness of 1890, we have said (§ 776), wandered blindly for a while in politics. But about 1900 it began to see that the first step toward industrial freedom was to restore self-government to the people and to enlarge it by the enfranchisement of women and through new political machinery — the referendum, the initiative, the recall, the direct nomination of all elected officials, and the more direct control of the Federal courts. The three great forward movements treated in this chapter have all placed these matters foremost in their immediate programs.*

#### I. THE LABOR MOVEMENT

**804.** The ten years preceding the Civil War, with the new conveniences for communication and combination (§ 705), saw a few **trades organize on a national scale** (instead of for localities only); but these first national "unions" were confined to trades whose total membership was small. The sixties witnessed a remarkable spread of the movement. The Brotherhood of Locomotive Engineers organized in 1863, the cigar makers in '64, the brickmakers in '65, railway conductors in '68, railway firemen in '69—all strong unions. By 1870 forty trades had achieved national organization, and the movement continued until all skilled trades became so organized.

Nearly every union has its weekly or monthly organ, *The Carpenter*, *The Fireman's Magazine*, etc.; and, apart from industrial matters, these organizations have exerted a notable influence and training. Many a local "Assembly" conducts its business and debates with a promptitude and skill that would be highly instructive to college faculty or State legislature.

**805.** But organization of *single trades*, even on a national scale, was not enough. In 1869 a few workingmen in Phila-

delphia founded **The Noble Order of the Knights of Labor**,—to include *all* workers, skilled or unskilled,—with the motto, “The injury of one is the concern of all.” The strike year of ’77 (§ 807) popularized the movement; and in ’78 it held its first National Assembly, made up of delegates from local and district assemblies. For years this Order exercised vast influence for good, and was the fount of much wholesome legislation in State and Nation (§ 813). Especial gratitude is due it for its early recognition of the right of women to equal pay with men for equal service, and for its hearty welcome to world-peace movements. It joined the Populists in the Free Silver campaigns (§ 755), and virtually fell with the failure of that movement.

**806. The American Federation of Labor** rose, phoenixlike, from the ashes of the Knights. Its units are the national unions of single trades; it does not recognize unskilled labor in its organization. It counts some two million men, besides three quarters of a million more organized in railway unions. It has encouraged the formation of *Trades’ Assemblies* (the “Trades-union” of the thirties) in all large places, composed of delegates from the local unions and standing to them somewhat as the National Federation stands to the national unions. The annual convention and the executive council of the American Federation exercise tremendous influence over the separate unions, but have no binding power over them,—except authority to levy assessments to sustain a strike approved by the central council.<sup>1</sup> *Samuel Gompers* has been annually reelected president for some twenty-five years (1917), and has proven himself a notable leader.

**807.** As with the earlier organizations of the thirties, so too the modern unions at once asserted **hostility between labor and capital**. Said the brickmakers, in the preamble to their constitution, in ’65: “Capital has assumed the right to own and control labor for its own selfish ends.” The first violent clash

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<sup>1</sup> Contrast this organization with the labor organizations of 1830

came, naturally, in the railway world,—because organization on both sides was first complete there. The railway panic of '73 led many roads to cut wages. The powerful organizations of "skilled" engineers and conductors proved able to ward off such reductions, or at least to secure fair hearing, in most cases, by mere threats of a strike; but the places of firemen and switchmen could be filled more easily, and on these classes fell the most serious reductions of pay. In '77 the fourth cut within five years drove these employees on the Baltimore and Ohio to a strike—which spread like a prairie blaze to many other roads.

The strikers sought to prevent the running of freight trains. Riot and bloodshed were widespread, from Baltimore to San Francisco. Pittsburg was in the hands of a mob for days. The crowds of idle and desperate men in the cities, and the thousands of "tramps" in the country (both new features in American life with the '73 panic) added to the violence and disorder. Millions on millions of dollars of railway property were destroyed, and the injury to private business was much more disastrous. Violence was finally repressed, and peaceful strikers sometimes intimidated, by Federal troops. On the whole, however, the strikers won important concessions.

**808.** The Bureau of Labor computes 34,657 strikes for the following twenty-five-year period, 1881–1905. Over eight million men were directly involved; and the direct cost—apart from the greater *indirect* cost to the public—was half a billion of dollars. More than one third of these strikes are classed as "successful"; one sixth more as "partially successful"; and nearly half, "unsuccessful." More than a third of them all took place in the last fifth of the period, and some of the most significant ones in our history have come in even more recent years. Only two or three more can be mentioned here.

**809.** In 1894 the employees of the Pullman Car Company struck to avoid reduction of wages. The American Railway Union, sympathizing with the strikers, demanded that the quarrel be submitted to arbitration. The Company refused, and the

Union refused to handle Pullman cars on any road. Twenty-three leading roads were involved. The companies had contracts, in most cases at least, making them liable for damages if they did not use these cars; and, apart from this fact, they were bitterly resolved to crush the "sympathetic strike" idea.

The disorders extended from Cincinnati to San Francisco; but Chicago was the storm center. Hundreds of freight cars were looted and burned by the city mob, which found its opportunity for plunder in the situation; and the loss and crime were charged upon the strikers by many respectable elements of society. The governor of Illinois (Altgeld) sympathized with the strike, and declared that the railway companies were paralyzed, not by strike violence, but by a legitimate situation, since they could not secure men to run their cars without Federal assistance. President Cleveland, however, broke the strike by sending Federal troops to Chicago to insure the running of trains — on the ground of preventing interference with the United States mails, and of putting down "conspiracies" which interfered with interstate commerce. The business interests of the country heartily indorsed the President's action, but that action was one of the chief reasons why the more radical wing of Democrats were driven into opposition (§ 757, note).

**810.** In May, 1902, the coal miners of Pennsylvania struck for an increase of wages and the recognition of their union. The strike lasted five months and *caused a general coal famine*. John Mitchell, the head of the miners' union, by his admirable handling of the situation, won recognition as one of the ablest men America has produced. The operators, consisting of a few railway presidents who enjoyed a complete monopoly of the anthracite coal trade, lost public sympathy by an insane "divine right" claim from Mr. Baer, one of the presidents, that the public ought to be content to leave the matter to "*the Christian men to whom God, in his infinite wisdom, has given the control of the property interests of the country.*"

Finally President Roosevelt brought the operators and John

Mitchell into a conference (October 3). Mitchell offered to submit his case to a board of arbitrators to be appointed by the President, and promised that the miners would return to work at once, without waiting for the investigation, if such a course should be agreed to; but the operators refused arbitration, and called loudly on the President for troops. Privately, Roosevelt determined "to send in the United States army to take possession of the coal fields" if necessary; but, two weeks later, he succeeded in bringing pressure to bear on the mine owners from J. Pierpont Morgan, the financial backer and real master of the coal trust. Then the owners agreed to arbitration. Five months later (March, 1903), the board of arbitrators made its report, sustaining the demands of the miners in almost every point. The action of President Roosevelt was acclaimed by the sympathizers of labor everywhere as a happy contrast to the action of Cleveland nine years before at Chicago. Incidentally it is well to note that the mining companies simply added to the price of coal much more than the arbitration had cost them.

**811.** During the Pullman strike (July 2, 1894), a Federal District Court issued a "blanket injunction," ordering all members of the American Railway Union to cease interfering with the business of the twenty-three roads (§ 809). *Eugene V. Debs*, president of the Union, continued to manage the strike, and, two weeks later, was arrested for *contempt of court*. Investigation of the charge did not take place for several months — during which Debs remained in jail rather than ask for bail on such a charge — and then he was condemned to six months' imprisonment. *In effect* Debs was punished by a year's imprisonment *for an act which no legislature or jury had ever declared a crime, and he was deprived of his constitutional privilege of a jury trial*. The principle was not new; but this sort of "**court government by injunction**" came into new prominence by this incident.<sup>1</sup> Organized labor at once made resist-

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<sup>1</sup> Debs was already under charge of violating the laws regulating interstate commerce; but on a trial for this offense he would have had a jury.

ance to "government by injunction" one of its cardinal principles. In 1912 an "anti-injunction bill" passed the lower House of Congress, but failed in the Senate. Such a bill did become law in the administration of Woodrow Wilson.

**812.** Society must awaken not only to the wrongs of labor but to its own loss in all "labor war." *It foots the bills in every strike.* What the employer loses is quickly made good to him by increased prices to the *public*. What the laborer loses is added largely to the cost of prisons and asylums paid by the *public*. Even while the strike is in progress, the "innocent bystander" often suffers as bitterly as the combatants — just as the burghers of a medieval city often found their daily marketing interrupted, and sometimes had heads broken or houses burned, in the private wars between lawless barons in their streets. Society must continue to suffer such ills, as medieval society did, until it becomes resolute to compel justice on both sides. A beginning in this direction is attempted in the creation of boards of conciliation and arbitration,<sup>1</sup> and, to many minds, in the recent eight-hour railroad law (§ 814).

Public sympathy is effectually alienated from either side that is known to use violence. The unions know this; and, from policy and principle, they commonly do their best to prevent disorder. When the more desperate and ill-controlled strikers, or their sympathizers, do use violence, well-to-do society promptly calls for troops and declares that "now the time for considering the wrongs of labor has gone: it remains only to restore order." Certainly, order must be maintained: but the fundamental evil in the matter lies in the fact that for the people who use this argument most glibly, "*the time for considering the wrongs of labor*" has never arrived. The unions assert, too, that sometimes the employers hire ruffians to destroy their own property in order to represent such destruction as the work of strikers; and that armies of thugs in

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The action of the court deprived him of this right, and removed all the securities of the ordinary law. Says Davis R. Dewey, — the practice tended to make "the courts no longer judicial, but a part of the executive branch of the government," and eventually to make "the judiciary either tyrannical or contemptible" (*National Problems*, 296).

<sup>1</sup>Such boards exist in more than half the States. Their powers, however, are insufficient to secure industrial peace — granted that peace can be found along this line. Some States propose at least to compel each party, before resorting to strike or lockout, to submit its wrongs to full inquiry by such a board, so that the public may have authoritative and impartial information, and so give its sympathies intelligently.

the pay of the employers as private policemen often intentionally force a riot by "beating up" peaceable strikers and by grossly insulting women and children.

**813. Labor has won various gains through peaceful influence upon legislation.**

*a.* After the Civil War, the *eight-hour day*<sup>1</sup> took the place in labor agitation which the ten-hour day had held thirty years before. In '68 Congress adopted the principle for all labor employed directly by the government. Many States and municipalities have followed this example *for public works*; and in 1912 Congress enacted that the principle should apply to all work done for the government by contractors as well as to work done directly by its own employees. Various skilled unions, too, have secured the eight-hour day by *custom*.

*State legislation* regarding the labor day, except on *public work*, had always been nullified by the courts, until within a few years, on the ground that such legislation interferes with "freedom of contract." In 1895 in Illinois, and in 1911 in New York,<sup>2</sup> laws to shorten the working day *even for women* were thrown out by the courts on that same ground. Under the compulsion of public opinion, the courts in these same

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<sup>1</sup> "We mean to make things over; we're tired of toil for nought  
But bare enough to live on: never an hour for thought.  
We want to feel the sunshine; we want to smell the flowers;  
We're sure that God has willed it, and we mean to have eight hours.  
We're summoning our forces from shipyard, shop, and mill:  
Eight hours for work, eight hours for rest, eight hours for what we will!"

— J. G. BLANCHARD.

<sup>2</sup> Referring to this decision, in a speech in New York in November, 1911, Theodore Roosevelt said:—"I am asking you to declare unequivocally that it is for the people themselves to say whether or not this policy [a shorter labor day] shall be adopted, and that no body of officials, no matter how well meaning, nor personally honest, no matter whether they be legislators, judges, or executives, have any right to say that we, the people, shall not make laws to protect women and children, to protect men in hazardous industry, to protect men, women, and children from working under unhealthy conditions or for manifestly excessive hours, and to prevent the conditions of life in tenement houses from becoming intolerable. . . . I do believe that this

States have found it well to reverse their earlier decisions, finding sanction for so doing in the "police powers of the State,"—to maintain a reasonable standard of health and public welfare. And now, in 1917, the Federal Supreme Court, democratized by Woodrow Wilson's appointments, has declared constitutional (1) a California law fixing eight hours as the maximum working day for women; (2) an Oregon law fixing a ten-hour maximum day *for men*; and (3) an Oregon law establishing the principle of a "*minimum wage*" *for woman*, a "living wage" such as to insure health and decency.

This last decision—long the hope of radical reformers—was determined largely by the conclusive arguments prepared by Louis Brandeis shortly before his appointment to the Supreme Court. Under these circumstances, Justice Brandeis, of course, did not sit in the court when the case was tried.

b. It has been easier to secure *limitation of the working day for children* than for adults, because public sympathy was more easily aroused and because the common law did not "protect" children by the "freedom of contract" rule. In 1874 and 1879 Massachusetts, through the influence of organized labor and of the Labor Bureau's statistics, made the first efficient provision in America for *limitation of hours of labor for women and children* (ten hours a day), with adequate inspection to enforce the law. During the next decade, this example was followed, for children at least, in most of the manufacturing States of that day; and there has been further legislation *prohibiting all employment of children of school age*—at least until a certain proficiency in studies had been attained.

Between 1880 and 1890 the number of children in manufacturing establishments fell off a third; but after 1890, the numbers increased once more, with the growth of factories in

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people must ultimately control its own destinies, and cannot surrender the right of ultimate control to a judge any more than to a legislator or an executive."

the South—where proper regulation of this crime against youth remained sadly lacking. Labor organizations at once expressed desire to coerce these negligent States by Federal law forbidding railways to transport goods produced by child labor. Constitutional authority for such legislation was claimed under the power of Congress to regulate commerce (§ 347), and in 1916 such a law was finally enacted.<sup>1</sup> In 1912 the government, too, created a Federal *Children's Bureau* to promote the welfare of children and to watch the workings of the child-labor laws.

*c. A scientific investigation of labor conditions* by State and Federal governments has been one of the wisest demands of labor. In 1869 a Labor Reform party secured a State Bureau of Labor Statistics in Massachusetts. In the eighties the Knights of Labor secured such a bureau in the Federal government and in many States. Most of the States now have such departments, usually headed by labor representatives and charged with authority to enforce factory legislation. The Federal Bureau is now the Department of Labor (§ 370, close).

*d. Factory acts* have been adopted in nearly all the States, requiring employers to “fence” dangerous machinery, to arrange for escape from possible fire, and to provide adequate ventilation and freedom from dampness and from extreme temperatures. Such legislation is enforced through inspection by the State Labor Bureaus.

*e. Compensation to workmen for injuries* received in the course of their toil has made much progress. The Common Law permitted an employee to recover by a suit for damages. The cost, however, was too great for poor men in any but the gravest cases; and if the accident was caused by the carelessness of a “fellow servant,” no recovery was possible. Happily, many of the States, by employers' liability laws, have

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<sup>1</sup> There is still great need of State legislation in the South to reach employments to which this Federal law cannot apply.

abolished this last principle, and some of them have made compensation almost automatic — without the intervention of legal processes. This plan has been extended by the Federal government to railroad employees engaged in interstate commerce, and (1916) to all Federal employees.



*Harri's and Ewing, Washington, D. C.*

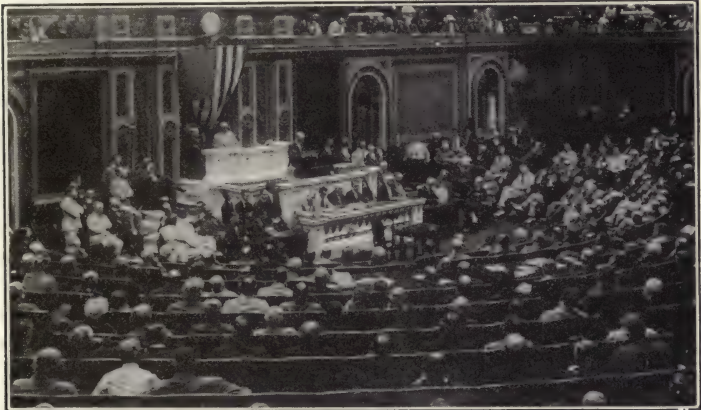
**WATCHING THE PROCESSION OF THE AMERICAN FEDERATION OF LABOR** at its meeting in 1916. From left to right the figures are President Wilson, Samuel Gompers, and Secretary Wilson, then head of the Department of Labor.

When the practice becomes general, compensation for accidents will become an item in the general expense account of all factories, — part of the operating expenses, — and will be paid, as it should be, by society, in the price of the goods. At the same time, each employer will have an inducement to precautions, since, by reducing accidents *below the average*, he will add to his profits.

In this matter America, with its constitutional protection to property interests, still lags far behind Germany and England. No other industrial country needs such legislation as much as America. *No other one has so large a proportion of preventable accidents.* In our coal mines alone, in 1908, three thousand men were killed and ten thousand injured. The

family wreckage that goes with such loss of life by the breadwinners is even more appalling. Unless this slaughter is checked by law, or by greater sense of responsibility in employers, American industry threatens to become more wasteful of human life and social welfare than ancient war was.

**814.** Closely related to one of these forward steps is a gain made recently under threat of strike. In March of 1916, the four



WOODROW WILSON ADDRESSING CONGRESS IN JOINT SESSION, urging the enactment of the Eight-Hour law. From a photograph. After President Washington's unpleasant experiences in meeting Congress (cf. § 369), no President visited that body in person until President Wilson renewed the original practice of reading his "messages" in person — *without* the monarchic ceremonial which made such action repulsive a century earlier.

great railway "brotherhoods" (conductors, engineers, trainmen, and firemen) began an earnest agitation for "an eight-hour day, with pay-and-a-half for overtime."<sup>1</sup> After various fruitless conferences with railroad managers, the men voted (94 per cent of the 400,000 members of the brotherhoods) to give their "heads" authority to call a nation-wide strike if the managers persisted.

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<sup>1</sup> The railroad managers insisted that this really meant not shorter hours but an increase of \$ 10,000,000 a year in wages. The men declared they were after shorter hours, and that they asked extra pay for overtime mainly to compel the roads to arrange eight-hour schedules.

The nation was alarmed. There seemed no doubt that the brotherhoods could tie up the transportation of the country completely; and that would mean ruin to business and starvation to the city poor. The managers offered to arbitrate: the men were willing to arbitrate as to pay for overtime, but not as to the eight-hour day. President Wilson now called the "heads" and the railway managers into consultation; but many days of conference brought no result. The President then made a public statement of his position:—

"I have recommended the concession of the eight-hour day—that is, the substitution of an eight-hour day for the present ten-hour day in all the existing practices and agreements. I made this recommendation because I believe the concession right. The eight-hour day now undoubtedly has the sanction of the judgment of society in its favor, and should be adopted as a basis for wages even where the actual work to be done cannot be completed within eight hours. . . ."

The roads, the President continued, might or might not be entitled to increase rates to the public: only time could show what adjustments would be necessary. Accordingly, he recommended that the men postpone their demand regarding pay for overtime.

The men accepted the President's plan, but the managers refused it. The strike was set for an hour only some six days off. But Congress, under the President's capable leadership, hastily enacted an eight-hour law for all interstate commerce, referring the matter of pay for overtime to future arbitration by a commission. A national calamity was averted, and the eight-hour day received general approval even from those who savagely criticized the President's "surrender." The whole matter was a leading issue at the election in November, when the President was given a second term; and in the following March the law was upheld by the Supreme Court.

**815. The "Closed Shop"** has been a chief aim of labor unions in many strikes and boycotts. Labor unionists believe that they must have "collective bargaining" if labor is to deal with

capital on anything like equal terms: the individual laborer must accept any terms offered him. Accordingly, members of a union contend that every worker in their trade must be persuaded, *or forced*, to join the union or leave the industry. The man who stays out gets whatever better conditions may be secured by collective bargaining, without giving his help toward it; and, in time of trial, he becomes a traitor to the cause of labor by underbidding the union standard.

On the other hand, many liberal-minded people look upon the principle of the closed shop as "un-American." It is easily designated as tyranny toward the individual laborer, who is no longer "permitted" to work "on his own terms." Sometimes, too, a strike against a fair employer who himself recognizes union labor, but who has contracts with firms that do not, involves serious injustice. The unions, too, fall often into the hands of self-seeking leaders, or of treacherous ones, and are used to bad ends; and the most sincere leaders are no more beyond possibility of error, in their puzzling duties, than other men are.

But the sins of organized labor, while often more violent, are usually less dangerous to human progress, than the sins of organized capital which commonly provoke them. From labor's viewpoint, talk by a "scab" of his individual "right" to bargain his own labor is as much out of place as like vaporings by a deserter in war. The "unionist" feels that organized labor is the only hope to-day against industrial serfdom, and that *its victory means better conditions of life for the masses of mankind.*

## II. SOCIALISTS AND SINGLE TAXERS

816. While the Labor Union has been appealing to skilled workers, **Socialism** has been making rapid converts among unskilled laborers on the streets and among students in the closet. To-day it is a force to be reckoned with in American life; and therefore it must be understood. The time has gone when ignorant critics could contemptuously dispose of it by confounding it with either anarchy or communism.

Modern Socialism points out that a few capitalists practically *control* the means of producing wealth ("the machinery of production and transportation"). This, they argue, is the essential evil in industrial conditions. Their remedy is *to*

*have society step into the place of those few, taking over the ownership and management (1) of land, including, of course, mines, water power, and all right-of-way, (2) of transportation, and (3) of all machinery employed in producing wealth. Private ownership for private enjoyment and consumption, they claim, would then regulate itself without injury to the common life.*

For a more immediate program, Socialists urge among other matters: (1) "compulsory State insurance" of all "against unemployment, illness, accidents, old age, and death"; (2) government relief for unemployed workers by extension of public works — "building schools, reforestation of cut-over and waste lands, reclamation of arid tracts, and improving roads"; (3) equal suffrage for men and women; (4) extension of inheritance taxes and of graduated income taxes; (5) the "free administration of justice"; (6) the abolition of the powers of the Supreme Court to declare laws void; (7) the initiative, referendum, and right of recall.

**817.** Until recently the political Socialist movement was confined to large manufacturing towns, but of late it has gained power rapidly in multitudes of small villages and even in purely agricultural districts. The leading Socialist party (Social Democratic) polled 94,000 votes in 1900 for Eugene V. Debs (§ 811) for President. In 1904, with the same candidate (at the reelection of Roosevelt), it secured over 400,000 votes, and it more than doubled these at the election in 1912. In 1916, it cast only 750,000 votes, — probably because many railroad men who had been loosely affiliated with it in previous campaigns voted this time for Woodrow Wilson on the issue of the Eight-Hour law.

**818.** A radical faction of Socialists has split off into a distinct organization, — **the Industrial Workers of the World** (I. W. W.). This party decries mere political activity, and insists on "direct action" against the present industrial organization of society. And society, in its turn, alarmed and angered, instead of merely punishing these agitators when they have incited to actual crime, has many times refused them the

ordinary privileges of free speech and public meeting — so exalting them into “martyrs.”

**819.** Unhappily, the leaders of the Socialist party are largely of German or Austrian birth; and when America entered the war for democracy against Germany, in 1917, the Socialist party as an organization took a distinctly disloyal position. This fact not only arrayed that party against progress: it also cast discredit upon the whole Socialistic program.

There are leading Socialists, however, eminently patriotic, like John Spargo and Charles Edward Russell.<sup>1</sup> And, repudiated though they are by the party, they have a large following among former Socialists. When the Socialistic movement again becomes a political factor, it will probably be under the leadership of these men.

**820.** In 1879 **Henry George** published *Progress and Poverty*. This brilliant book, to its converts, transformed “the dismal science” of political economy into a religion of hope. George teaches that land *values* are created by the growth of population. They are a social product, — not earned by the individual. Society therefore should take them. It can do so by taxing land *up to the rental value of unimproved land equal in location and quality*. This taxation would include, of course, the full value of the use of city streets to transportation companies and lighting companies, and of railroad right-of-way — unless the public choose to keep such enterprises wholly in its own hands. Thus taxation would reach all “natural monopolies.”

The advocates believe that such a tax would exceed present public expenditure and make other taxation unnecessary. Therefore it is styled the “**Single Tax**.” Other taxation, it is urged, “penalizes industry.” The Single Tax takes from the individual only what he has never earned (the “unearned increment”), and takes *for* society only what society has

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<sup>1</sup> Said Mr. Russell, when his party cast him out: — “I am not yet convinced that I cannot be both a Socialist and an American: but if I have to choose, I choose to be an American.”

created. Incidentally, it would put an end to mischievous speculation in land—since no one could then afford to hold land, *unused*, for a rise—and it would certainly prevent many forms of vicious special privilege. Indeed, its converts usually hold that *all* special privilege runs back to private ownership of land values.

Apart from the question of exact economic truth, the Single Tax doctrine has been one of the inspiring forces of the century for the betterment of man. *Progress and Poverty* was a trumpet call for eager youth with faith in humanity to rally to a contest for truth which should make men free. Ever since, its converts have been found foremost in movements to lift human life to higher levels.

**821. Socialists** believe in public ownership of *all* the means of production, including machinery; **Single-Taxers** believe in public ownership only of all *natural monopolies* (§ 788). The Socialists agree to the doctrines of the Single Tax, but do not think it goes far enough. The Single-Taxer denounces socialism as tyrannical, and believes that, granted the Single Tax, extreme individualism might safely rule all other social relations.

### III. THE "PROGRESSIVE" MOVEMENT IN THE TWENTIETH CENTURY

#### A. IN STATE AND LOCAL GOVERNMENT

**822.** In the Jacksonian period, three generations ago, American democracy triumphed *in theory* over all enemies. But real political practice fell far short of true democracy. **The new machinery** which was devised for **Jacksonian democracy** (§ 569) **did not suit its needs. It made the people's rule too indirect. It suited better the secret rule of Privilege.** It was particularly fitted for the skillful manipulation of "bosses," the agents of Privilege.

About 1900, as is said above (§ 803), the conviction grew strong among political reformers that the first need of our Republic was

*more direct democracy*, with less power in "political middlemen": — *direct nominations* by the people in place of *indirect* by bargaining conventions; a *direct check* upon officials *after* election by the recall; *direct legislation* by the initiative and referendum; direct "*home rule*" for cities, in place of indirect rule at the State capital; *direct* election of United States Senators; a *direct voice* in the government *by women*; and so on.

**823.** This need of more democratic political machinery was to be met almost wholly by *State* action, not by National law.



THE MINNESOTA CAPITOL, at St. Paul.

This was fortunate. One State moved faster for direct legislation; another State, for woman suffrage; while those States which do not yet move in any matter, and which might have drag enough to prevent any movement in a *consolidated* nation, must at least look on with interest while their more far-sighted or more reckless neighbors act as political experiment stations. *Each of these experiments which proves profitable to democracy will in time force its way into all the commonwealths.*

For many years after the Civil War, the State seemed in danger of sinking into a disused organ — a sort of vermiform

appendix in the body politic. But now the State has re-awakened,—and, with it, new hope for democracy. In 1900, after years of splendid conflict under the leadership of *Robert La Follette*, Wisconsin began to shake off the rule of bosses and machine politics, to control railroads, and to build a truly democratic commonwealth, with her great university for her training school in politics and in nobler living. Then, led by *William Uren*, Oregon adopted democratic machinery that outran anything before known in America. Oklahoma began its statehood with most of the democratic devices known at the time, and with some novel experiments, in its first constitution. And the State elections of 1910 and 1911 witnessed brilliant democratic progress all the way from the redemption of corporation-ridden New Jersey by *Woodrow Wilson* (§ 793) to the redemption of Southern-Pacific-ridden California by *Hiram W. Johnson*, with the adoption of nearly all the reforms indicated above in several States. *A true democratic machinery is the contribution of the early twentieth century to democracy.*

**824. The Australian Ballot**<sup>1</sup> was the first of these reforms to win general acceptance. Under earlier practice, the parties and candidates printed tickets in any form they liked, often with deceptive labels or with fraudulent changes of one or more names. Thoughtful voters, who wished to vote independently of party labels, found it difficult to do so; and a purchased voter received his ballot from the bribe-giver, who watched him deposit it. Now in all but two States, there is an official ballot printed by the State. *No other can be used.* The names of all candidates appear on this ballot; and spaces are left for the voter to write in others if he so wishes. The ballot is given out only by the judge of election at the polling place and at the time of voting; and the process of voting is in general as follows: (1) The voter gives his name to the judges of election, and they verify it from the "registration"

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<sup>1</sup> The system is essentially the English ballot system of 1870, which had been improved in some measure in some of the Australian States.

lists<sup>1</sup> as the name of a legal voter in that precinct. (2) The voter then receives from the judge *one* ballot (and if he mis-marks this, so as to require another, the first one must be delivered to the judges and destroyed). (3) He takes this ballot into a *screened booth*, where he finds a shelf and a pencil, and marks his choice for each office. (4) He then *folds* the ballot, and it is deposited in the ballot box by an election official under his eyes. This process insures secrecy, and discourages buying votes: the buyer finds it hard to make sure that the voter "delivers the goods."

Henry George (§ 820) began the American agitation for the Australian ballot in 1886 in New York. In 1887, a bill for the reform was defeated in the legislature; and three years later, when public opinion compelled the old parties to grant the reform, they managed for a while to deceive the people with a sham. The New York ballot of 1890 did secure secrecy; but it encouraged straight party voting by arranging that *one mark* at the head of a ticket should stand for all the candidates of the party selected. Five years later, however, New York secured the true reform ballot. One of the chief advantages of the Australian ballot is that it requires the voter to designate his choice for *each* office, and so encourages independent voting.

Some States permit voting machines. Such a machine combines all the advantages of the Australian ballot with certain others. The count is automatic, — obviating errors and corruption by clerks; and the fact that the count is complete (except for copying the results) when the last vote is cast saves much time and expense. The machine has the full ballot upon it, with a key opposite each name or each question, and the candidate votes his choice by pressing certain keys.

**825.** Good election machinery, however, is not enough. Good **nomination machinery** is quite as important. The people must have a fair chance to express their will *in selecting the candidates between whom the final choice must be made*. This is the aim of a movement for "direct primaries."

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<sup>1</sup> Most States now require that every voter shall "register" some time before election, and no one can vote on election day whose name does not appear on the registration list. This device prevents "repeating" and the importing of voters from other precincts. The registration lists are published before election, so that errors or frauds may be detected.

Under the old system of nominating caucuses and conventions (§ 569) rarely did a tenth of the voters take any part in nominations. The matter was left to the political "machines." Or, if a popular contest did take place, the result was often determined by fraud or trickery or by absolute violence. In 1897 the young Robert M. La Follette of Wisconsin, smarting under undeserved defeat in boss-owned nominating conventions, worked out a complete system of "direct primaries" for State and Nation, and began to agitate for its adoption. In 1901, Minnesota adopted the plan, and it is now (1917) in force in nearly half the States.

**826.** More significant than choice of officials is **direct control by the people over the laws** which officials are to carry out. As a rule, even in "democracies," the people have governed themselves only indirectly. They have chosen representatives; and these delegated individuals have made the laws,—sometimes with little response to popular desires. Radical democrats demand that the people take a more direct and effective part in lawmaking by the *referendum* and the *initiative*.

The referendum is the older device. It consists merely in referring to a popular vote for final confirmation a law which has already passed the legislature or the State convention. The practice originated in Massachusetts in the ratification of the State constitution, in 1778 and 1780 (§ 265). Since 1820 it has been used almost always in our States for the ratification of new constitutions or constitutional amendments; and there has been a growing tendency to submit to popular vote also, in State or city, questions of liquor licensing, bond issues, and public ownership. For more than a half century, Switzerland<sup>1</sup> has carried the practice much further. There a certain number of voters by petition may compel the legislature to submit *any* law to popular decision.

Switzerland also developed the true complement to the referendum; namely, the initiative. By 1870, in nearly all the

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<sup>1</sup> *Modern World*, § 854.

cantons (States), a small number of voters could *frame* any law they desired, which the legislature then was compelled to submit to a popular vote;<sup>1</sup> and in 1891 this principle was adopted for the Swiss federal government.

The profitable working of these devices in Switzerland led to a new enthusiasm for them in America; and by 1905 they had become among the most prominent matters on progressive platforms. In many Western States they are already in force. *Mr. William Uren* (§ 823), in an address before the City Club of Chicago in 1909, described their working in Oregon as follows:—

“By the *initiative* . . . *eight per cent* of the voters are authorized to file with the secretary of state, not less than four months before a general election, their petition demanding the reference to the people of any measure. . . . The full text of the measure must be included in the petition, and one petition will take only one measure.

“*The referendum* provides that *five per cent* of the voters, at any time within ninety days after the close of a session of the legislature, may file their petition demanding the submission of any measure passed by that legislature. The law is thereby held up until the next election. It does not take effect until it has been voted on and affirmed by the people; and the vote required is a majority of *those who vote on the question*.

“Our law for the operation of the initiative and referendum was amended in 1907, providing that the secretary of state should order *to be printed and distributed by mail to every registered voter*, about three months before the election, *a copy of all the measures* that were submitted, and *all the arguments that were offered for and against them*, principally at the expense of the State. Those offering arguments are required to pay the actual cost of the paper, printing, and press work used for their arguments, but not for the measure, so that it costs [the State] about seventy-five dollars a printed page for argument. It made a book of a hundred and twenty pages last year, *and the people read it.*”

This feature of the “Oregon plan” affords the best political education yet offered any great people. California adopted it in full in 1911.

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<sup>1</sup> This device also *originated* in America in Revolutionary days, in a provision for amending the constitution of Georgia, but it took no real root at that time.

**827.** The "recall" provides that a certain percentage of voters, on petition, can at any time force any official to stand for election again in opposition to some new candidate.<sup>1</sup>

The advantage of the arrangement over waiting for a new election in one or two years, — or several years, in case of judicial officers, — is that it concentrates attention upon the one official. At a regular election, the matter is complicated by party issues and by the distractions due to choosing many other officials. Opponents of the recall fear that the people will use the power hastily, especially in pique toward judicial officers without due understanding of the technical points involved in judicial decisions that have offended. The reply, of course, is that if the people are fit to choose *untried* men to decide such technical points, they must be fit to choose whether they will keep such men *after* trial. Presumably, when the people possess this power, it will not have to be invoked often. So far, it *has not* been abused (1917), and in several cases its use *has* done much good.

In 1906 *Oregon* adopted a constitutional amendment making every elective officer in the State subject to "recall." In 1908, when *Arizona* applied for Statehood, she placed a like provision in her constitution. Statehood was delayed for some time on this account. Finally in the summer of 1911 a bill for admission passed Congress with a provision requiring the territory first to vote once more upon this clause of the proposed constitution. President Taft vetoed this bill, and, at his insistence, Statehood was offered only on condition that the people of *Arizona* should first vote down the recall provision. This was done in December, 1911; but, at the same time, all the political leaders of the territory proclaimed in advance that, Statehood once secured, they would work to restore the recall to the constitution. This threat was made good in 1912.

Meantime, President Taft's attempt to force a whole people into stultifying itself awoke wide popular indignation, especially in the progressive West. In the fall of 1911, *Washington* placed the recall in its constitution for all officers *except the judiciary*, and *California*, by a vote of *three to one*, adopted an amendment for the recall, *including* application to judges.

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<sup>1</sup> An early example of a true "recall" in America is mentioned in § 302.

**828.** For many years there was an unmistakable demand by a great majority of the people for an amendment to the National Constitution to provide for **direct election of Senators**. Time after time the necessary resolution passed the Representatives, only to be smothered or voted down in the upper House, which had no desire to be brought closer to the people. Then the people began to reach their end, *indirectly*, by *State* action. Again *Oregon* led the way. In 1904 (and again in 1908 by a vote of 4 to 1), that State (1) provided that when a United States Senator was to be chosen, the people, at the election of the legislature, might express their choice for Senator; and (2) ordered all members of the legislature to obey the choice so indicated. This plan spread swiftly, and by 1911 it was in force in nearly half the States. Then the people turned again, and this time successfully, to Congress for nation-wide and more direct action (§§ 839, 840).

**829. Woman suffrage**, like most of these democratic reforms, has always been strongest in the West. The first State to grant the ballot to women on full equality<sup>1</sup> with men was Wyoming at its admission in 1890. (The *Territory* of Wyoming had had equal suffrage *since 1869*.) Colorado established the reform by constitutional amendment in 1893. In 1896 Utah became the third suffrage State, "completing the trinity of true Republics *at the summit of the Rockies*"; and Idaho followed, the same year.

For fifteen years no new commonwealth was won to the cause, but none the less the "woman movement" was making rapid progress in politics, in industry, and in social recognition. Then, in 1910, Washington gave women the full ballot. California did so in her reform year, 1911. The democratic year, 1912 (§ 842 ff.), and its aftermath in 1913-14, raised the total number of suffrage States to twelve by adding Arizona, Kansas, Oregon, Nevada, Montana, and Illinois. In 1916 some 4,000,000 women voted for President and Congressmen.

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<sup>1</sup> Many States have long allowed a modified form of suffrage to women in local elections, especially in school elections.

*Illinois had been the only State so far east of the Mississippi* to give the vote to women; and there the result was reached by *legislative* action, not by constitutional amendment, and so could not extend to State officers. In 1917 this "Presidential suffrage" was won for women in Indiana, South Dakota, North Dakota, Rhode Island, Michigan, and Nebraska; and at the November election a constitutional amendment gave women the complete suffrage in the great State of New York. The overwhelming weight of that State in the National government gave peculiar importance to this last victory—spite of defeats at the same election in Ohio and Maine—and many former opponents, like the *Outlook*, at once announced that they laid down their arms in obedience to the pronounced will of the American people.

In many of the suffrage States, women have held some of the most important offices. Recently they have sat as delegates in National Conventions; and in 1916 Montana sent the first Woman Representative to Congress.

**830.** The States, renovated by this democratic machinery, have turned promptly to the uplift of the common life by a long series of social reforms. No one of these has been more spectacular in its rapid victory than the new Temperance movement of the last ten years (1916). A union of various Anti-saloon forces (largely independent of the regular Prohibition party) has made half the States "dry," and has set up "county option" in half the rest.

One factor in this amazing victory calls for explanation. The Brewery Combine went into politics. Everywhere it fought Woman Suffrage—because it knew women would fight the saloon. It fought the referendum and initiative, because it feared the people, and trusted to its power to corrupt legislators. It fought every attempt to check or abolish Special Privilege, from a lively expectation of political help to be received in return. It fought the election of "reformers" of all sorts, to protect itself or its allies. And finally reformers of all sorts learned that they must fight the Liquor power—as a step toward any other reform.

#### B. IN THE NATION

**831.** During the closing twenty years of the nineteenth century, a group of aggressive young reformers appeared in

public life (§ 733). The most picturesque among them was **Theodore Roosevelt** of New York, — police commissioner of New York City, Civil Service Commissioner (§ 742), Colonel of the “Rough Riders” in the Spanish War (§ 760). In 1898, he was overwhelmingly elected governor of New York, and had begun to loom up as a possible presidential candidate, to the dread of the Republican machine. In the Republican Convention of 1900 the bosses joined forces to shelve him by nominating him for the figurehead vice-presidency, against his vehement protest. A few months later, the assassination of McKinley made him President. For the first time in our history, an “accidental President” took place at once as a popular leader, and in 1904 he was triumphantly reelected.<sup>1</sup>

**832.** The seven and a half years of the Roosevelt administrations mark an epoch. In public addresses the strenuous President denounced in startling terms the insolence and criminal greed of aggregated capital, *and so roused the whole people to the need of action*. The actual achievements of the administration in its professed work of curbing the trusts and monopolies were less significant. Still the “classified list” under the “civil service reform” law was extended to include even the smallest country postmasters in the more settled half of the country; the Interstate Commerce Commission was revived by the Hepburn Amendment (§ 786); suits were pressed vigorously against many trusts under the Sherman Act and Interstate Commerce law;<sup>2</sup> the scandalous conditions in the Chicago stockyards were investigated; a Pure Food law forbade Interstate Commerce in adulterated foods;<sup>3</sup> and,

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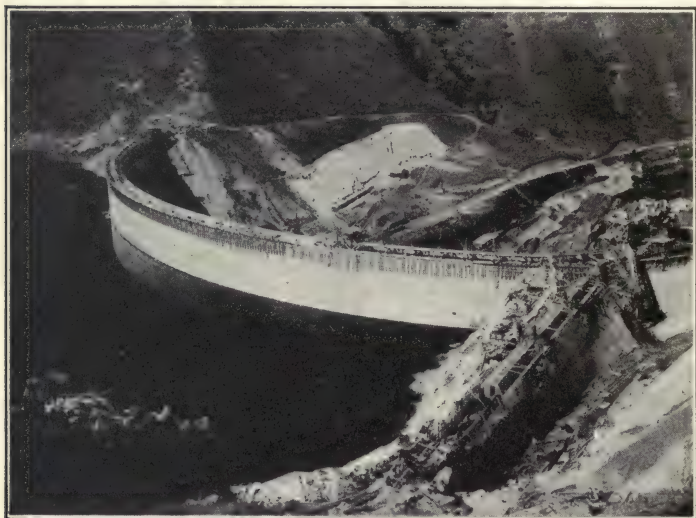
<sup>1</sup> The Democratic party in 1904 was believed to be controlled mainly by the Eastern and conservative faction, represented by the candidate, Judge Alton B. Parker. The radicals were not satisfied with either candidate; but, on the whole, the Republican was understood to promise most for social progress.

<sup>2</sup> During the preceding administrations of Harrison, Cleveland, and McKinley, there had been in all 16 prosecutions; in Roosevelt's seven years there were 44, though little actual check to the trusts resulted.

<sup>3</sup> State laws had already begun a long-needed war upon noxious adulterations. Said Roosevelt, in one of his catchy phrases, — “No man may poison the public for private gain.”

most important of all, new emphasis was given to the "*conservation*<sup>1</sup> of *National resources*" — a doctrine formulated by Gifford Pinchot, and popularized by the President.

**833.** President Roosevelt was attacked by certain of the "interests" as a disturber of "prosperity"; but he had a hold upon the nation such as no other Presidents had approached, with the exception of Washington, Jefferson, Jackson, and Lincoln.



THE ARROW ROCK DAM (Idaho), still building in 1918: part of one of the most famous of all the government's projects to irrigate arid lands. This dam is 67 feet higher than the great Roosevelt Dam in Arizona.

At the same time, extreme radicals disliked his aggressive foreign policy (§ 722) and his inclination to paternalistic despotism at home. Such critics pointed out (1) that he used his tremendous personal and official power to aid no other real "progressive" in any of the many State contests with Privilege; (2) that his trust prosecutions had not hurt any money

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<sup>1</sup> Read Overton Price's *The Land We Live In*, — "The Boy's Book of Conservation."

king; (3) that he had intimate personal relations with some of the trust magnates,—heads of what he chose to call “good trusts”; (4) that during his seven years the number of trusts had greatly multiplied and their capitalization vastly increased (§ 792), along with the new device of concentrating power by the system of interlocking directorates (§ 791); and (5) that he had as yet taken no stand to reform the tariff, in which his “good trusts” were deeply interested.

**834.** In October, 1907, the Knickerbocker Trust Company in New York failed, from speculation and dishonest management, and brought down with it a group of banks supposed to be strong. This began the “**panic of 1907.**” Wall Street, and “Big Business” generally, attributed the panic to “Theodore the Meddler,” who, they asserted, had destroyed public confidence by his attacks upon the commercial interests. Many radicals, on the other hand, claimed that Big Business had “manufactured” the panic, so as to intimidate the President and the other reformers into keeping hands off. In any case, for once, the cry “It hurts business” failed to check the current for reform.

**835.** Roosevelt thought his Secretary of War, *William H. Taft*, especially fitted to carry on his reforms. Accordingly in 1908, he forced Taft upon the Republicans as his successor. The Democrats nominated Bryan for the third time. Between the Roosevelt Republicans of that time and the Bryan Democrats there were many points of sympathy; while within each party a large class was bitterly opposed to these reform policies, and desired a return to the older attitude of the government as a promoter of business prosperity rather than of human welfare. Owing to the general confidence of large masses in Roosevelt, and to the aid given the Republicans by aggregated wealth, Taft was elected overwhelmingly.

**836.** As Roosevelt’s Secretary of War, Mr. Taft had been a loyal subordinate; but now it soon appeared that he did not himself believe in the “Roosevelt policies.” Instead, he belonged **distinctly in the conservative ranks.**

A group of capitalists had been trying to engross the mineral wealth of Alaska, in part by fraudulent entries. Roosevelt had checked the proceeding by temporarily withdrawing the lands from entry. Richard Ballinger had been the attorney of the grasping ring of capitalists, and previously had served them with information even while in the service of the government. President Taft was induced to appoint this man his Secretary of the Interior, and it seemed as though the grab would then go through under his sanction. The President even dismissed both Pinchot (a devoted public servant and a man of high standing in the nation) and also Louis Glavis, a subordinate of Ballinger, who had gallantly exposed the treacherous designs of his chief with necessary disregard for official etiquette.<sup>1</sup> Happily, the sacrifice of Glavis, the war waged month after month by *Collier's Weekly*, and the consequent Congressional investigation, even though by a packed committee, compelled Ballinger to resign, and saved the Alaskan wealth for the nation. No one suspected the President of corrupt motives; but it was plain that the corrupt interests had his ear. Other events made his position clear. He did not scruple to use his vast power of patronage to injure progressive Congressmen in their home districts.

**837. Another public clash** between President Taft and the Progressives **came on the tariff question.** The Republican platform of 1908 had declared for a thoroughgoing revision of the Dingley Tariff (§ 747), asserting that duties ought only to "equal the difference between the cost of production at home and abroad, together with a *reasonable* profit for American industries."<sup>2</sup> Mr. Taft, too, had waged his campaign largely on definite pledges for tariff reduction. Shrewd observers

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<sup>1</sup> Glavis' "insubordination" consisted in a noble patriotism which led him to show fealty to the American people rather than to a traitorous superior in office. Such patriotism, more needed than courage on the battlefield, cannot be praised too highly.

<sup>2</sup> Somewhat more definitely, the Democratic platform declared for immediate reduction of duties on necessities and for placing on the "free list" all "articles entering into competition with trust-controlled products."

doubted somewhat whether the politicians of the party were not too thoroughly in the grip of the trusts to make any real inroad upon the protected interests; and the result justified the skeptical prophecies that any revision by the Republican machine of that day would be a revision *upward*. *The Payne-Aldrich Tariff* of 1910, while making improvements at a few points, actually aggravated the evils which the nation had expected to have remedied. It was a brazen defiance of party pledges in the campaign. *The House committee*, which framed the bill, *was notorious, made up, almost to a man, of representatives of beneficiaries of protection* — a clear case of turning the place of sheep dogs over to wolves.

The bill and the committee were attacked fiercely by a great number of the more independent Republican papers and leaders; but the great body of Republican Congressmen, it was soon clear, would "stand pat" for the "System." *A radical section then broke away in a definite "Insurgent" movement*. In the House, the "System" Speaker, "Uncle Joe" Cannon, *aided by the necessary number of "System" Democrats*, easily forced the bill through, with brief consideration. In the Senate, where debate could not so easily be muzzled, insurgent Republican leaders like La Follette and Cummins exposed mercilessly the atrocities of the measure, though they could not hinder its becoming law. And then the compliant President, in attempts to defend his "Standpat" friends from public criticism, declared it the best tariff ever enacted.

**838. The Congressional election of 1910 was a revolution.** The overwhelming Republican majority was wiped out by as large a Democratic majority; and in various impregnable Republican districts, Insurgents succeeded Standpatters. Even in the slowly changing Senate, Democrats and Insurgents together mustered a clear majority. Some progressive legislation was now enacted. A "*parcel post*" law, similar to those long in use in European countries, struck down the infamous monopoly of the great express companies (§ 731); the admirable "Children's Bureau" was added to the government

machinery; and constitutional amendments were at last submitted to the people providing for income taxes<sup>1</sup> and direct election of Senators.<sup>1</sup>

**839.** Forty-five years had elapsed since the ratification of the Civil War amendments, and sixty years passed between those and the last preceding amendment, despite the rapidly changing needs of the nineteenth century. The first ten amendments, too, were really part of a bargain that secured the ratification of the Constitution itself; the eleventh and twelfth resulted from fear of civil war; and the thirteenth, fourteenth, and fifteenth were secured by war. These two last,—sixteenth and seventeenth,—are the only “normal” amendments in the century and a quarter of our national history. This fact, together with the indirect devices to which we have been driven (§§ 347, 828), suggests that the process of written amendment is too difficult. One of the foremost subjects in the progressive program is some “gateway” amendment, to make that process easier.

**840.** The movement *in the States* for *direct action in choosing Senators* has been described (§ 828). In 1911 the notorious purchase of a Senatorship from Illinois by “Big Business” for a certain Mr. Lorimer aroused the country again to the need of nation-wide action. True, a Senate committee of “Standpatters” made the usual white-washing report on the Lorimer case; but it was riddled pitifully by the Insurgents and by the progressive press. Still on the vote to expel, the Standpatters managed to rally the one-third vote necessary to save their colleague. A resolution for an amendment to provide for popular election of Senators was then pending, and it was soon after defeated *by almost precisely the same vote*. But in the spring came a special session of the new Congress with large progressive gains; and, in 1912, Lorimer was expelled and the amendment passed.

**841.** In 1912, Roosevelt announced himself a candidate against Taft for the Republican Presidential nomination. There followed a bitter campaign of disgraceful recrimination between the President and his former friend and chief. In 13 States, Republican voters could express their choice for a candidate in direct primaries (§ 825). Roosevelt carried 9 of these; La Follette, 2; and Taft, 2. President Taft, however, controlled the solid mass of Southern delegates and the

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<sup>1</sup> See § 746. Both amendments were ratified in 1913.

machinery of the National Convention. The credentials committee "threw out" many Roosevelt delegations from States where there were "contests," and Taft won the nomination. Roosevelt declared the nomination "a barefaced steal," asserted that no honest man could vote for a ticket "based on dishonor," and called a mass meeting of progressives to organize a new party.

**842.** Meantime, **the Democratic Convention**, in session for nine days at **Baltimore**, made significant history. In this party, too, the preceding campaign had been a bitter contest between open progressives and more or less secret reactionaries. When the Convention met, the old bosses were in control of a majority of votes. They made plain their intention to organize the meeting in their interest by putting forward for the temporary chairmanship Judge Alton B. Parker (§ 831). Mr. Bryan had declined to be a candidate for the presidency again, and he now stepped forward as a courageous and skillful champion of the progressive element, waging a contest that finally wrested control from the bosses and turned his party over to the real democracy.

Bryan first appealed to the candidates for the presidential nomination to oppose the bosses' choice for chairman, — a man "conspicuously identified, in the eyes of the public, with the reactionary element." Woodrow Wilson alone stood this "acid test." Other candidates evaded, or pleaded for harmony, to avoid offending possible supporters. Wilson frankly and cordially approved Bryan's purpose. Thus the issue was drawn, and Wilson was marked, even more clearly than before, as the true candidate of the progressives. The bosses seated their man for chairman, but the Democratic masses throughout the country shouted approval of Bryan and Wilson.

Next Mr. Bryan startled the convention and the country by a daring resolution — declaring the convention opposed to the nomination of any candidate "who is the representative of, or under obligations to, J. Pierpont Morgan, Thomas F. Ryan, August Belmont, or any other member of the privi-

lege-hunting and favor-seeking class." Two of the gentlemen named sat in the Convention. In the debate Mr. Bryan said : —

"Extraordinary conditions need extraordinary remedies. . . . There is not a delegate who does not know that an effort is being made right now to sell the Democratic party into bondage to the predatory interests of the country. It is the most brazen, the most insolent, the most impudent attempt that has been made in the history of American politics to dominate a convention, stifle the honest sentiment of a people, and make the nominee the bond slave of the men who exploit this country. . . . No sense of politeness to such men will keep me from protecting my party from the disgrace they inflict upon it."

Few delegates dared vote against the resolution.

In the balloting Champ Clark of Missouri at one time had a majority of the delegates, but the Democratic rule requires a two-thirds majority. As the balloting proceeded slowly day after day, Wilson gained steadily, mainly because of thousands of telegrams from "the people at home," threatening, urging, imploring their representatives to support Bryan's leadership and Wilson's candidacy. On the forty-sixth ballot Wilson was nominated. *The progressive element, which had failed in the Republican Convention, had conquered in the Democratic.*

**843.** Soon another progressive ticket was in the field. Roosevelt's friends proceeded with their new organization, took the name the Progressive party, and nominated Roosevelt upon an admirable radical platform which included Woman Suffrage. Many ardent reformers rallied to this long-desired opportunity for a new alignment in politics (cf. § 392) ; but a large number of their old associates felt that the movement was too much dominated by one man's ambition, and that it was ill-timed at best when the Baltimore nomination had offered so admirable an opportunity to progressives.

**844.** Wilson was elected by the largest electoral plurality in our history, the vote standing, — Wilson, 435 ; Roosevelt, 88 ; Taft, 8. Wilson's popular vote exceeded that of Roosevelt by over two million ; and Roosevelt's was nearly 700,000 more than

Taft's. At the same time, it was plain that the result was due to the split in the Republican party. Mr. Wilson was far from getting a popular majority: indeed he had fewer votes than the defeated Bryan got four years before.

**845. Mr. Wilson's first two years (1913-1914)** saw a remarkable record of political promises fulfilled. He called Congress at once in a special session, and kept it at work continuously for almost the whole twenty-four months. The three great problems were the Tariff, the Currency, and the Trusts. Each was dealt with fully, after careful consideration.

*The Underwood Tariff* was a genuine "revision downward," and its making was at least *less* influenced by great "special interests" than that of any tariff since the Civil War. Business had wailed "Ruin"; but no ruin came, and business quickly accepted the new situation. How far this condition was due to the artificial "protection" afforded by the European War, it is impossible as yet to say.

*The Federal Reserve Act* revised the banking laws, made the currency of the country more elastic, and checked the possibility of its being controlled by the "money trust." A few months later (July, 1914) the unexpected outbreak of the European war closed the great money centers of the world without warning; but in this country no bank felt obliged to call its loans. Admirers of the law claim that it has made the old-fashioned "panic" almost impossible; and certainly many of the great banks which had cried "Ruin" at the prospect of the law soon became its warm supporters.

*A Federal Trade Commission* was created, to investigate complaints of unfair dealing by large concerns toward smaller competitors and to provide helpful information and advice when appealed to by legitimate business. This new beneficent branch of the government holds a place in the field of trade much like that of the great Interstate Commerce Commission in the field of transportation. At the same time the *Clayton Anti-Trust Act* sought to check the evil of "interlocking directorates" (§ 791) and it certainly gave the courts clear rules

for dealing with Trust offenses in place of the troublesome vagueness of the old Sherman law.

In addition to meeting so the three pressing problems, the administration secured a law for a **graduated income tax** shifting the burden of government in part from the poor to the very rich. Quite as important was a new and needed protection given to labor unions. The courts had begun to threaten unions with punishment for strikes, under the provision of the Sherman law forbidding "conspiracies in restraint of trade." *The Clayton Act expressly exempted labor combinations from such prosecution.* "The labor of a human being," runs this noble provision, "is not an article of commerce." Equally pleasing to Labor was another law checking the tendency to "government by injunction" (§ 811).

President Wilson had long been known as a leading American scholar, a brilliant writer, and a great teacher and university president; but his warmest admirers had hardly hoped for such efficient leadership from "the schoolmaster in politics." This splendid constructive record was his work. Much of the legislation he planned in detail; all of it he helped plan; and he carried it all to victory by a party long unused to union and with large elements ready to rebel if they dared. He won his victory, too, not by abusing his power of patronage to keep Congressmen in line, but by sheer skill and force of character, aided by the general consciousness that the nation was rallying to his program.

**846.** The second half of this first term was darkened and confused by terrible foreign complications (§ 847 ff.); but these years, too, saw sound progress in domestic reform. *A Good Roads law* offered national aid to the States in building roads, so as to bring the farmer's market nearer to him. *The Smith-Lever Agricultural Education Act* offered coöperation with the States in teaching the farmer how to use the soil more profitably. And *the Rural Credits' law* made the first attempt in our history to get for the farmer the credit and the low interest commonly enjoyed by other business interests. *The Railroad*

*Eight-Hour law*, hastily as it was enacted (§ 814), saved the country from unspeakable calamity and once more proved the President's sympathy with labor. *A Workman's Compensation law* (§ 813 e), of the most advanced character, was made to



BUILDING THE "PACIFIC HIGHWAY" THROUGH OREGON.

From a photograph.

apply to *all* Federal employees. And *the Child-Labor law* (§ 813 b) began to free the children of the South from crushing labor in factories and mines.

The last two of these bills had passed the House, but were being still held up in the Senate in August of 1916. The end of the session was near. President Wilson made one of his quiet visits to the Senate wing of the Capitol, met the Democratic leaders there, and *demand*ed that they pass both bills before adjournment. The bills were passed. Said a hostile periodical — "That is 'politics' but it is politics in a high and statesmanlike sense of the word."

**847. Foreign perils**, however, were the chief mark of President Wilson's second two years — foreign perils more complicated and threatening than any President before him has had to meet. For some years **Mexico** had been weltering in political assassination and revolution. Finally the "Constitutionalist" chief *Carranza* became master; remained so, largely because of "recognition" by the United States; and set himself stubbornly to the gigantic task of rebuilding his country. His few months' rule has seen much solid progress; but as yet he has not been able at all times to keep down revolt and brigandage. The Mexican people hate and fear Americans; and bandits have repeatedly taken our citizens from Mexican railroad trains to murder them, and have even raided American towns across the border, with every form of outrage. Few wars in history have had as much provocation as Mexicans have offered the United States. Great American financial interests, too, hungry to seize upon the raw wealth of the rich Southland, have clamored for American "intervention" to restore order in Mexico; and a deplorably large part of our nation, with our customary harsh lack of understanding of alien peoples, feel that we must "clean up" Mexico by taking it away from a race incapable of civilization. But President Wilson, with a noble sympathy for a distressed people feeling its way blindly toward a national life, has held resolutely to a policy of "watchful waiting." He has even charged that the Mexican disorders are largely due to secret incitement and support from American business interests, determined to embroil the two countries in war. Hostile critics loudly accuse his policy as responsible for the unavenged murder of American citizens. Supporters affirm that the policy is not only right but wise. Nothing else, they urge, could have done so much to allay the ancient distrust felt toward us by all our Latin-American neighbors upon the continent, North and South, whose friendship we so much desire.

The more formidable European dangers call for a separate chapter.

## CHAPTER LXVII

### THE WAR FOR DEMOCRACY

**848.** For nearly half a century Germany had been ruled by a Prussian despotism resting upon a bigoted, arrogant oligarchy. That rule had conferred on Germany many benefits. It had cared for the people as zealously as the herdsman cares for the flocks he expects to shear. But in doing so it had amazingly transformed the old peace-loving, gentle German people.

It had taught that docile race (1) to bow to Authority, rather than to Right;<sup>1</sup> (2) to believe Germany stronger, wiser, better, than "decaying" England, "decadent and licentious" France, "uncouth and anarchic" Russia, or "money-serving" America; (3) to be ready to accept a program, at the word of command, for imposing German *Kultur* upon the rest of the world *by force*; (4) to regard war, even aggressive war, not as horrible and sinful, but as beautiful, noble, desirable, and right, — the final measure of a nation's worth, and the divinely appointed means for saving the world by German conquest; and finally (5) to disregard ordinary morality, national or individual, whenever it might interfere with the victory of the "Fatherland."

Insensibly to most of the rest of the world, this rabid and diseased patriotism of the Germans had become a menace to freedom and civilization.

#### **849. "Out of Their Own Mouths." —**

"War is the noblest and holiest expression of human activity. For us, too, the glad, great hour of battle will strike. Still and deep in the German heart must live the joy of battle and the longing for it. Let us

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<sup>1</sup> Observers have often confounded this trait with "respect for law," — its precise opposite.

ridicule to the utmost the old women in breeches who fear war and deplore it as cruel and revolting. No ; war is beautiful. Its august sublimity elevates the human heart beyond the earthly and the common. In the cloud palace above sit the heroes Frederick the Great and Blücher ; and all the men of action — the great Emperor, Moltke, Roon, Bismarck — are there as well, but not the old women who would take away our joy in war. . . . *That is the heaven of young Germany.*" — *Jung Deutschland*, October, 1913 (the official organ of the "Young German League," an organization corresponding in a way to our Boy Scouts).

"Germany's mission is to rejuvenate exhausted Europe by a diffusion of Germanic blood." — *School and Fatherland*, 1913 (a school manual).

"Our fathers have left us much to do. . . . **To-day it is for Germany to arise from a European to a world power.** . . . Humanitarian dreams are imbecility. . . . Right and wrong are notions indispensable in *private* life. **The German people are always right, because they number 87,000,000 souls.**" — TANNENBERG, *Gross-Deutschland*, 1913.

"We are the salt of the earth. . . . God has called us to civilize the world. . . . We are the missionaries of human progress."

— WILHELM II, speech at Bremen, March 22, 1900.

"Even in the distance, and on the farther side of the ocean, without Germany and the German Emperor, no great decision *dare* henceforth be taken." — WILHELM II, at Kiel, July 3, 1900.

"It is to the empire of the world that the German genius aspires."

— WILHELM II, address, June 20, 1902.

"The world owes its civilization to Germany alone. . . . The time is near when the earth must be conquered by the Germans."

— WIRTH, *Weltmacht in der Geschichte* (1901).

"Ye shall love peace as a means to new wars, and the short peace better than the long. . . . You say, a good cause hallow even war ; but I tell you, **a good war hallows every cause.**"

— NIETZSCHE, *Of Wars and Warriors*. (Nietzsche is a leader of German thought.)

"War is part of the divinely appointed order. . . . War is both justifiable and moral, and the idea of perpetual peace is not only impossible but also immoral."

— TREITSCHKE, *Politics*, 1916, II, 597, 599. (Treitschke for many years has been a leader among German historians.)

"We must strenuously combat the peace propaganda. . . . War is a political necessity. . . . Without war there could be neither racial nor cultural progress.

"*Might is the supreme right*, and what is right is decided by war.

"It is presumptuous to think a weak nation is to have the same right to live as a powerful and vigorous nation.

"The inevitableness and . . . the blessedness of war, as the indispensable law of development, must be repeatedly emphasized."

—BERNHARDI, a Prussian general, in his book, *The Next War*, in 1912.

"It is only by trust in our good sword that we shall be able to maintain that place in the sun which belongs to us, *and which the world does not seem very willing to allow us.*"

—CROWN PRINCE, in *Deutschland in Waffen*, 1913.

"Do not forget the civilizing task which Providence assigns us. Just as Prussia was destined to be the nucleus of Germany, so the new Germany shall be the nucleus of a future Empire of the West. . . . We will successively annex Denmark, Holland, Belgium, . . . and finally northern France. . . . No coalition in the world can stop us."

—BARON VON SCHELLENDORF, Prussian War-Minister, in 1872.

"The salvation of Germany can be attained only by the annihilation of the smaller states." — TREITSCHKE, *Politics*.

And so on almost without end. Says Guy Stanton Ford in his Foreword to *Conquest and Kultur*,<sup>1</sup> a notable collection of these evil teachings:—

"It is a motley throng who are here heard in praise of war and international suspicion and conquest and intrigue and devastation — emperors, kings, princes, poets, philosophers, educators, journalists, legislators, manufacturers, militarists, statesmen. Line upon line, precept upon precept, they have written this ritual of envy and broken faith and rapine. Before them is the war god to whom they have offered up their reason and their humanity; behind them, the misshapen image they have made of the German people, leering with bloodstained visage over the ruins of civilization."

**850.** True, in other lands, even in America, lonely voices are heard speaking this same doctrine of insolent and ruthless

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<sup>1</sup> A volume of 171 pages that should be, and probably is, in every school library. Issued by the United States Committee on Public Information, and printed at Washington by the Government Printing Office.

Might. But in these other lands any such occasional voice is smothered at once by storms of indignant rebuke. In Germany, for fifty years, this war-worship has encountered almost no protest — except a feeble one from the socialists. True, again, no great country — not England nor France nor America — has been *wholly* free from greed for territory and for trade, — just such greed as lies at the root of most wars. But in these lands the time is past when public opinion will support an aggressive war, especially with a civilized people, waged *openly and avowedly* to satisfy such low ambitions. **Meanwhile, Germany, led by her war-besotted prophets, has been zealously making ready for just such wars of greed.**

**851.** The world knows how, half a century ago, Bismarck prepared his “trilogy of wars” — of which he boasted insolently — in order to make Prussia mistress of Germany. So for twenty-five years the present rulers of Germany prepared vaster war to make Germany mistress of the world. They hoarded gold in the war chest; heaped up arms and munitions, and huge stocks of material to manufacture more; secretly tried out new inventions on a vast scale, — submarines, zeppelins, poison gas, new explosives; created a navy to meet England on the sea; bound other ruling houses to their own by marriage or by placing Hohenzollerns directly on the thrones — in Russia, Greece, Bulgaria, Roumania; reorganized the Turkish empire and filled offices in the army and navy there with Germans; permeated every other great country, in the Old World and New, with an insidious and treacherous system of tens of thousands of spies in the guise of friendship; and steadily built up the German army until the burden of maintaining it became so crushing that plainly it must soon be used or thrown away.

**852.** In 1914 the German war-lords were getting anxious to use this preparation before it grew stale, and before France and Russia — both somewhat alarmed — should have time to make ready for the struggle. And events gave the war party its chance. In the last days of June an Austrian Grand Duke

and his wife were murdered in Bosnia. Bosnia was a Serbian province which Austria had recently seized, and very possibly the assassins were Serb conspirators against Austrian rule. Austria and her mistress, Germany, had long looked greedily toward more Serb territory; and Europe now trembled for a moment lest this murder should bring on war. If Austria, backed by Germany, should attack little Serbia, Russia was bound to defend that country, both by honor and by her interests; and, in such a conflict, France was bound to aid Russia, her long-time ally (*Modern World*, § 914).

**853.** *A month passed quietly*, and these fears died down. That month ended the German harvest, and it was used by the German government in ceaseless but secret preparations to strike. **Then, absolutely without warning, Austria sent to little Serbia an "ultimatum" harsh almost beyond belief.** Along with a list of other humiliations, Serbia was ordered to surrender for punishment certain army officers — against whom no evidence had been presented — and virtually to give over her government into Austrian control. Only 48 hours were allowed for acceptance. Serbia made an extremely conciliatory reply, accepting nearly all the Austrian demands, and suggesting further consideration, or arbitration, for the rest.

The same day Austria withdrew her ambassador. She hesitated, however, to precipitate war, by any direct stroke; but **Germany**, who all along had pulled the strings, **did force on the struggle.** England's urgent suggestions for arbitration she contemptuously rejected. Charging falsely that unprepared Russia had mobilized against her, Germany did mobilize. Charging falsely that France had invaded Belgium's neutrality, Germany did invade Belgian territory — despite Prussia's most solemn pledge — in order to find an unguarded road into France.

**854.** **England**, it is to be hoped, would not have looked on to see France crushed; but in any case the brutal invasion of Belgium, whom she was sworn to protect, brought her at once into the war. Germany had been certain that "shop-keeping"

England would not fight. This was her first fatal blunder. And the consciousness that she had blundered called out, not a just contempt for her own government and its spies who had misled her, but a frenzy of hate for England—whose overthrow in a later war, she now openly declared, had been her real goal all along. France was to be crushed mainly to leave England without an ally, and to enable Germany to launch her attack at England from French ports, like Calais. And in a month, the German leaders boasted, the German troops would be in Paris, with France at their mercy.

**855.** England had no army worth mention, and no arms for her eager volunteers. But with strenuous effort she put 100,000 partly equipped men into the fighting line in France. With this slight help, France battled heroically and skillfully against overwhelming odds, and finally when the invaders were actually in sight of the towers of Paris, Marshal Joffre beat them back in a week-long battle along a two-hundred mile front. **This Battle of the Marne** ranks with Marathon and Tours. Once more Western freedom and civilization was saved from a towering despotism.

**856.** The Germans retreated hurriedly well toward the French border and there “dug themselves in.” Then began “trench warfare,” new in history. For years, the combatants have wrestled grimly in unrelenting death-grip on a 360-mile front reaching from the North Sea to Switzerland,—while on the east, mainly in the ancient Polish districts, warfare on a mighty scale, but more in the old fashion, has raged with varying fortune.

**Meantime the conflagration, started in Belgium, had set the world ablaze.** While her first devoted army died gallantly to gain her time, England reorganized herself for war,—built and manned munition factories, poured forth her gold lavishly for France and Russia, saved and suffered and toiled and drilled strenuously at home, and finally put into the field a splendid fighting force of more than four million men; while, from the first, her navy swept the seas, and except for sub-

marines, kept the boastful German navy bottled up in harbor or in the Baltic.<sup>1</sup> Distant peaceful commonwealths, in Canada and in Australia, roused themselves to rescue England and their common civilization. Japan, England's ally in the Orient, entered the war, and seized Germany's province in China (*Modern World*, § 821). Italy joined "the Allies," to regain her ancient Trentino territory, so long held in bondage by Austria, and do her bit for the freedom of the world. Roumania added herself to the same side to save herself from absorption in the German world-empire and to regain Roumanian lands held by Austria (*Modern World*, § 830). Greece wished to take like action, and finally did so, after deposing a king who had been held to German interests by his Hohenzollern wife.

On the other hand, Turkey and Bulgaria joined the "Central European Powers," so that when Serbia had been overrun, Germany held a vast vassal realm of 137 millions of people, from Antwerp to Bagdad. This more than made true the dream of a "Mittel-Europa Empire," which had long beckoned German expansionists.

**857. This terrible world-war, especially on the west front, was waged in terrible ways new to the world.** Ordinary cannon were replaced by huge new guns belching forth poison gas and high explosives, blasting the whole landscape into indescribable and lasting ruin. Ordinary defense works were elaborated into many lines of connected trenches beneath the earth, protected in part by mazy fences of barbed wire. To plow through these intrenchments, cavalry were replaced by monstrous, heavily armored motor-tanks. Scouting was done, and gun fire directed, by airships and airplanes, equipped with new apparatus for photography and for wireless telegraphy; and daily these aerial scouts, singly or in fleets, met in deadly combat above the earth, — combat that ended only when one or the

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<sup>1</sup> Now and then a few German cruisers have escaped for raids on the English coast, but such raids have had no significance in the war.

other went hurtling down in flames to crashing destruction. And beneath the sea, the submarines invented new horrors to obscure all former deeds of privateers or pirates.

**858. One phase of this new warfare compelled the attention of the world outside Europe.** This was the policy of *Frightfulness* ("Schrecklichkeit") deliberately adopted by the German government. Official authority in Germany for this policy dates from 1900. In that year a force of German soldiers set out to join forces from other European countries and from the United States in restoring order in China, after the massacre of Europeans there in the Boxer Rebellion. July 27 the Kaiser bade his troops farewell at Bremerhaven in a set address. In the course of that brutal speech he commanded them:—

"Show no mercy! Take no prisoners! As the Huns made a name for *themselves* which is still mighty in tradition, *so may you* by your deeds *so fix the name of German* in China that no Chinese shall ever again dare to look at a German askance. . . . Open the way for *Kultur*."<sup>1</sup>

Now this Hun policy was put into effect in Western Europe. Never since the ancient blood-spattered Assyrian monarchs stood exultingly on pyramids of mangled corpses had the world seen so huge a crime. Belgium and northeastern France were devastated. Whole villages of innocent non-combatants were wiped out,—men, women, children,—burned in their houses or shot and bayoneted if they crept forth. All this by deliberate order of the "high command," and not to gain

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<sup>1</sup> The troops reached China too late to be of use. American, Japanese, French, and Italian troops had already restored order. But the Germans made a number of savage "punitive expeditions" for booty and rapine. In these they indulged not merely in indiscriminate murder of innocent non-combatants, but even in many indescribable outrages upon women. General Chaffee, the commander of the United States troops, and the senior officer among the Western forces, called together the commanders of the other allies, and then as their spokesman interviewed Von Waldersee, the German commander. Von Waldersee declared haughtily that there would be no change in his policy. His soldiers "must have some chance to indulge themselves." Said Chaffee: "We have not come to make requests, but to tell you that this sort of thing must stop." It stopped.

any military advantage, but, like the frightfulness of the old Assyrians, to terrify neighboring peoples — Dutch, Danes, Swiss — so that they might not dare risk a like fate.

About all this there is absolutely no doubt. Of course the German soldiery became brutalized, so that, with or without orders, they committed thousands of nameless outrages upon women and Sioux-Indian mutilations upon captives. In like fashion, too, zeppelins raided England, partly to destroy military depots, but chiefly to drop bombs upon *resident* parts of London and upon peaceful villages. Stupidly Germany thought she could frighten Englishmen by methods that merely raised the will of the nation.

So, too, the Germans deliberately bombed hospitals and Red Cross trains, murdering not only wounded soldiers but also the doctors and nurses. And soon the German submarine began to torpedo hospital ships, clearly marked as such. Nor is it easy to find any imaginable crime against the war customs of all civilized nations that was not committed and boasted of by Germany within a few months after this war began. No wonder that even neutral lands began to know Germans no longer by the kindly "Fritz" but only by "Hun" or "Boche."<sup>1</sup>

With German approval, and under the eyes of German officers, the Turks massacred a majority of *the Armenians*, and the Bulgarians massacred in wholesale fashion the non-combatant Serbian population. A word from Germany would have stopped these needless and revolting excesses against humanity, which were upon a scale even huger than Germany's own crimes in the West, but which were committed by races from whom we do not expect "civilized" warfare.

**859.** To the United States, even more than to France or England, the war came as a surprise; and for some time its purposes and its origin were obscured by a skillful German propaganda in our press and on the platform. President Wil-

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<sup>1</sup> On all this, see *German War Practices*, a volume edited by Dana C. Munro and other well-known American historians, under the auspices of the American government. This volume should be in every high-school library. Government Printing Office, Washington, D. C.

son issued the usual proclamation of neutrality, and followed this with unusual and solemn appeals to the American people for a real neutrality of feeling. For two years the administration clung to this policy. Any other course was made difficult for the President by the fact that nearly all the Democratic leaders in Congress were either pro-German or extreme pacifists. Moreover the President seems to have hoped nobly that if the United States could keep apart from the struggle, it might, at the close, render mighty service to the world in a world-council to establish lasting world peace.

True, our best informed men and women saw at once that France and England were waging *our* war, battling and dying to save our ideals of free industrial civilization, and of common decency, from a militaristic despotism. Tens of thousands of young Americans, largely college men, made their way to the fighting line, as volunteers in the Canadian regiments, in the French "Foreign Legion," or in the "air service"; and hundreds of thousands more among us blushed with shame daily that other and weaker peoples should struggle and suffer in our cause while we stood idly by.

But to other millions—long a majority—the dominant feeling was a deep thankfulness that our sons were safe from slaughter, our homes free from the horror of war. Nor was this attitude of only a few months ago as strange or as grossly selfish then as it seems now. Vast portions of our people had neither cared nor known about the facts back of the war: to such, that mighty struggle between Wrong and Right was merely "a bloody *European* squabble." And even the better informed of our people found it not altogether easy to break with our century-long tradition of a happy aloofness from all Old-World quarrels.

Such indifference or apathy, however, needed a moral force to give it positive strength. And this moral force for neutrality was not wholly lacking. Many ardent workers, and some leaders, in all the great reform movements believed that in *any* war the attention of the nation must be diverted from

the pressing need of progress at home. To them the first American gun would sound the knell, for their day, of all the reforms that they had long battled for. Still breathless from their lifelong wrestlings with Vested Wrongs, they failed to see that German militarism and despotism had suddenly towered into the one supreme peril to American life. And so many noble men, and some honored names, cast their weight for neutrality. And then, cheek by jowl with this misled but honorable idealism, there flaunted itself a coarse pro-German sentiment wholly un-American. Sons and grandsons of men who had fled from Germany to escape despotism were heard now as apologists for the most dangerous despotism and the most barbarous war methods the modern world had ever seen. Strangely enough, too, every one of these ardent admirers of military preparedness in Germany pleaded against any preparedness by the United States. Organized and obedient to the word of command, this element made many weak politicians truckle to the fear of "the German vote."

These forces for neutrality were strengthened by one other selfish motive. The country had begun to feel a vast business prosperity. Some forms of business were demoralized for a time; but soon the European belligerents were all clamoring to buy all our spare products at our own prices — munitions of war, food, clothing, raw materials. To be sure, the English navy soon shut out Germany from direct trade, though she long continued an eager customer, indirectly, through Holland and Denmark; but in any case the Allies called ceaselessly for more than we could produce. Non-employment vanished; wages rose by bounds; new fortunes piled up as by Aladdin's magic. A busy people, growing richer and busier day by day, ill-informed about the real causes of the war, needed some mighty incentive to turn it from the easy peaceful road of prosperous industry into the stern rugged paths of self-denial and war. A little wisdom, and Germany might readily have held us bound to neutrality in acts at least, if not always in feeling.

**860.** But more and more Germany made neutrality impossible for us. From the first the German government actively stirred up bad feeling toward us among its own people because our people used the usual and legal rights of citizens of a neutral power to sell **munitions of war** to the belligerents. Germany had securely supplied herself in advance, and England's navy shut her out from the trade in any case. And so she tried, first by cajolery and then by threats, to keep us from selling to her enemies—which would have left them at her mercy, taken by surprise and unprepared as they were.

Our *legal* right to sell munitions she could not question seriously. Only two years before, she herself had been selling just such munitions freely to the warring Balkan nations. She demanded of us not that we *comply with* international law, but that we *change* it in such a way as to insure her victory—in such a way as would really have made us her ally. For our government to have yielded to her demands, and forbidden trade in munitions during the war, would have been not neutrality, but a plain breach of neutrality—and a direct and deadly act of war against the Allies.

Our government firmly refused to notice these arrogant demands. And, says an authorized statement (in *How the War Came to America*):—

“Upon the *moral* issue involved the stand taken by the United States was consistent with its traditional policy and with obvious common sense. For if, with all other neutrals, we refused to sell munitions to belligerents, we could never in time of a war of our own obtain munitions from neutrals, and the nation which had accumulated the largest reserves of war supplies in time of peace would be assured of victory. The militarist state that invested its money in arsenals would be at a fatal advantage over the free people who invested their wealth in schools. To write into international law that neutrals should not trade in munitions would be to hand over the world to the rule of the nation with the largest armament factories. Such a policy the United States of America could not accept.”

**861.** Soon a specific controversy arose out of the **German barbarous submarine policy**. Driven from the seas in all other

ways, and held in the grip of a crushing blockade on all fronts the Germans used the submarine with bravery, skill, and dash, to cripple the commerce of the Allies. This was their right; and they showed at once that the submarine, acting in full accord with the ways of civilized nations in war, was a more terrible weapon than the world had ever seen upon the sea.

But the German submarines, not content with this, acted in defiance of all civilized usage. In the American Civil War, when Confederate privateers like the *Alabama* captured and burned hundreds of commercial vessels belonging to the North, no prisoner and no non-combatant was ever intentionally injured in his person. Such has long been the general practice among civilized nations. In the Spanish-American War, Admiral Sampson, appearing unexpectedly (May 12, 1898) before San Juan, forebore his admirable chance to capture the city because, as his report said, a bombardment "*would have required due notice*" for the removal of women, children, and the sick; and when he did bombard the forts, he especially ordered the captains to avoid hitting the Spanish military hospital.

But Germany, in her submarine warfare, soon began to sink not only the peaceful merchant ships of France and England, with women and children, but to destroy in the same ruthless way ships and lives of neutral nations. She proclaimed a broad "zone" on the sea, including all approaches to the countries with which she was at war, announcing that she would sink all ships there, even to the destruction of their crews and passengers. This threat was too horrible for the world to take it as seriously meant; but it was quickly followed to our passionate amazement by the sinking of the great English "liner," the *Lusitania* (May 7, 1915), without summons and without any attempt to save life. Of the thousand and more of non-combatants there ruthlessly murdered, 114 were Americans, many women and children among them, — all of them safe from attack by every principle of civilized warfare.

This outrage called out in much of America a wild cry for

war; but large parts of the country, remote from the seaboard, were still indifferent to a "European struggle," and there were not lacking some shameless apologists for even this massacre. President Wilson, zealous to preserve peace, used every resource of diplomacy to induce Germany to give up its horrible submarine policy. At the same time he distinctly pointed out, in note after note, that a continuance in that policy would force America to fight.

The "First Lusitania Note" (after pointing out that the use of submarines against merchant ships must *necessarily* endanger the lives of passengers and of neutrals, and after urging Germany to give up a practice so contrary to civilized warfare and to the law of nations) closed:—

"The Imperial German Government will not expect the government of the United States to omit any word *or any act* necessary to the performance of its sacred duty of maintaining the rights of the United States and its citizens, and of safeguarding their free exercise" (June 13, 1915).

The "Third Lusitania Note" (July 21) refused to consider the tissue of evasions put forward by Germany as in any way "relevant" to a discussion of "the grave and unjustifiable violations of the rights of American citizens," and uttered solemn warning, that if these "illegal and inhuman" acts were persisted in, "they would constitute an unpardonable offense" . . .

"Repetition by the commanders of German naval vessels of acts in contravention of these rights must be regarded by the Government of the United States . . . *as deliberately unfriendly.*"

These well-meant efforts of the President were answered by the German government with quibbles, cynical falsehoods, and contemptuous neglect. Other merchant vessels were sunk, and finally (March, 1916) the sinking of the *Sussex*, a passenger ship, again involved the murder of American citizens. President Wilson's note to Germany took a still sterner tone and specifically declared that one more such act would cause him to break off all diplomatic relations. Germany now seemed to give way. She promised, though grudgingly and with loopholes for future use, that she would sink no more passenger or commercial ships—unless they should attempt

to escape capture—without providing for the safety of non-combatants (May 4).

President Wilson seemed to have won a victory for civilization. The fact proved to be, as we know now, that just then Germany had lost nearly all her submarines and *was forced for a time to give up their use*—while she secretly hurried the building of new and larger fleets of such monsters. Even for the moment the promise was not well kept. Said President Wilson afterward,—“The precautions [taken to save life, when an occasional merchant ship was sunk] were meager and haphazard enough, as was proved in distressing instance after instance in the progress of the cruel and unmanly business, but a certain degree of restraint was observed” (*War Message*, April 2, 1917).

**862.** Meanwhile the presidential election of 1916 came on. Mr. Wilson was of course renominated without opposition by the Democrats. He drew great strength in the West from the fact that he had “kept us out of war”; but to many observers this advantage seemed balanced by the other fact that he had been firm enough in defending American rights with voice and pen to draw upon him the hatred of large and organized pro-German elements. Republican cartoons commonly depicted him bent over a typewriter and wearing a *white feather*; while at the same time every voter with a German name received by mail circular after circular from “German-American” societies urging opposition to him as an “enemy to Germany.” The woman vote, in the West, went to him in large measure. Labor unions and the railway men were largely for him; but “business,” so far as it was heard from, was mainly against him.

Moreover, the Republican party seemed once more united. Mr. Roosevelt, having failed to win the nomination, declined to run again as a Progressive, and urged his old followers to support the regular Republican nominee, Charles Evans Hughes, who had resigned from the Supreme Court to accept the nomination.

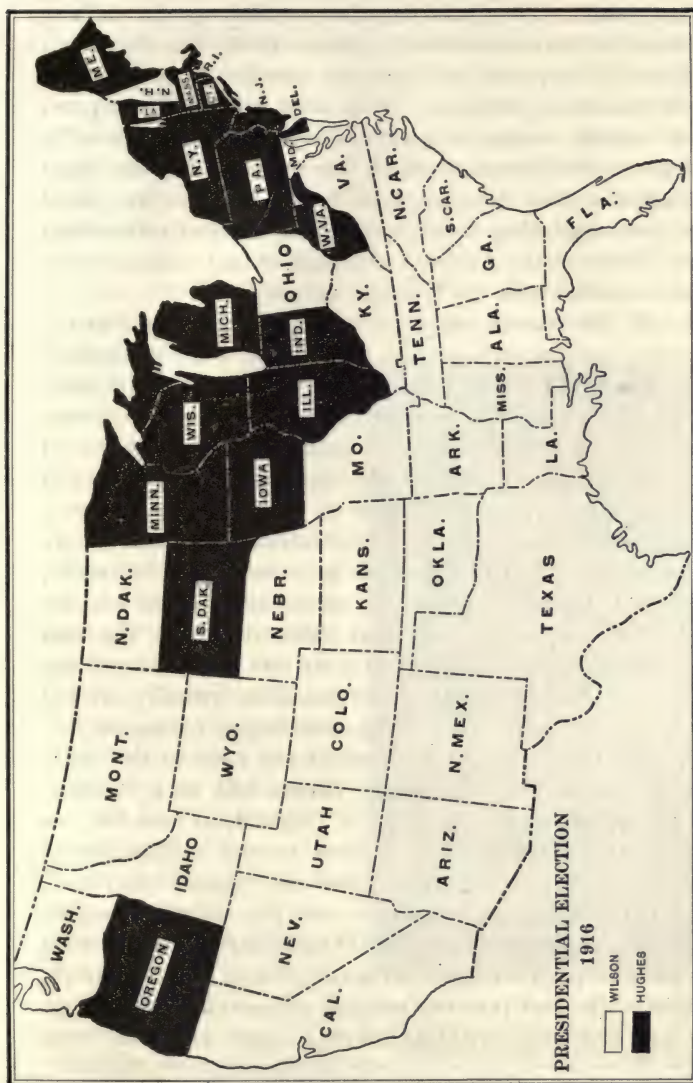
Mr. Hughes had an honorable record. He had proved himself a high-minded gentleman, and he had shown much sympathy with progressive movements. He and Mr. Wilson, it was often said, were much the same type of man. But Mr. Wilson dominated the leaders of his party, and Mr. Hughes was dominated by the leaders of his party. Neither his platform nor his campaign speeches took positive stand regarding the world-war<sup>1</sup> or any progressive movement at home. Instead he relied upon calls for high protective tariffs and upon negative criticism of Mr. Wilson's policies. Nothing constructive was promised. The Republican "Old Guard" were once more fully in control, and, with the disappearance of the Progressive party, they were blindly confident.

This confidence led them to show their hand freely. Progressive leaders within the party, like Hiram Johnson of California, were openly slighted, and thousands of Progressive Republicans stayed away from the polls in disgust. In July Mr. Hughes would probably have been elected overwhelmingly. In November the victory went to Mr. Wilson.

**863.** No sooner had the dust of this political campaign cleared away than the American people began to find indisputable proofs of new treacheries and new attacks upon our people by Germany, *even within our own borders*. The official representatives of Germany in the United States, protected by their diplomatic position (and bound by every sort of international law and common decency not to interfere in any manner with our domestic affairs), had placed their hirelings as spies and plotters throughout our land. They had used German money, with the approval of the German government, to bribe our officials and even to "influence" our Congress. They had paid public speakers to foment distrust and hatred toward the Allies. They had hired agitators to stir up strikes and riots in order to paralyze our industries. They incited to insurrection in San Domingo, Haiti, and Cuba, so as to dis-

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<sup>1</sup> Mr. Roosevelt was unreservedly for war with Germany; but he was allowed a very minor and carefully guarded part in the campaign.



Pluralities were very small in Minnesota (less than 400), South Dakota, West Virginia, and New Hampshire. California, which went Democratic for President by about 4000, elected its Progressive Republican, Hiram Johnson, to the Senate by a majority of almost 300,000.

turb our peace. They paid wretches to blow up our railway bridges, our ships, our munition plants, with the loss of millions of dollars of property and with the murder of hundreds of peaceful American workers. Each week brought fresh proof of such outrage — more and more frequently, formal proof in the courts. The governments of the “Central Powers” paid no attention to our complaints, or to the evidence we placed before them regarding these crimes; and so finally President Wilson dismissed the Austrian ambassador and various guilty officers connected with the German embassy.<sup>1</sup>

**864.** All this turned our attention more and more to the hostility to our country plainly avowed for years by German leaders. Said the Kaiser himself to our ambassador (October 22, 1915) at a time when our government was showing extreme gentleness in calling Germany to account for her murder of peaceful American citizens on the high seas, — “*America had better look out. . . . I shall stand no nonsense from America after this war.*” Other representative Germans threatened more specifically that when England had been conquered, Germany, unable to indemnify herself in exhausted Europe for her terrible expenses, would take that indemnity from the rich and unwarlike United States. Our writers began to call our attention to the fact that this plan had been cynically avowed in Germany for years before the war began (*Conquest and Kultur*, 102–112). Slowly we opened our eyes to the plain fact that just as the conquest of France had been intended mainly as a step to the conquest of England, so now the conquest of England was to be a step to the subjugation of America. It came home to us that our fancied security — unprepared for war as we were — was due only to the protecting shield of England’s fleet. If Germany came out victor from the European struggle, we must give up forever our unmilitaristic life, and turn our country *permanently* into a huge camp, on a European model, as our only chance for safety from

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<sup>1</sup> For proven guilt, see the notes to President Wilson’s *Flag Day Address*, as published by the Committee of Public Information, Washington, D. C.

invasion and rapine; and there was much doubt whether time would be given us to form such a camp. To live in peace, as we wished to live, we must help crush the militaristic power that hated and despised and attacked peace. **German despotism and peace for free peoples could not exist in the same world.** We had long hoped to keep the peace by being peaceful. *But now peace had gone.* We could win peace back only by fighting for it.

**865.** President Wilson strove still to avoid war. Even the complete breaking off of diplomatic relations, should that come, he pointed out, would not necessarily mean war. At the same time he had begun to speak solemn warning to our own people that we could not keep out of the struggle, or out of some like struggle, unless peace could be secured soon and upon a just basis. December 22, he sent to all the warring governments a note asking them to state their aims. The Allies frankly demanded "restoration and reparation" with an adjustment of disputed territories according to the will of the inhabitants. Germany replied evasively, making it plain that her own suggestion at this same time for a peace conference was merely sparing for time.



THE CAPITOL on the night of President Wilson's second inaugural. Photo. by Harris and Ewing, Washington, D. C.

Then January 22, 1917, the President read to Congress a notable address proposing a League of Nations to enforce Peace, and outlining the kind of peace which, he thought, the United States would join in guaranteeing, — not a Cæsar's peace, not a peace of despotic and irresponsible governments, but a peace made by free peoples (among whom the small nations should have their full and equal voice) and "made secure by the organized major force of mankind."<sup>1</sup>

**866.** Germany's new submarines were almost ready; and she was about to resume her barbarous warfare upon neutrals. She expected this to join the United States to her foes; but she thought us impotent in war, and believed she could keep us busied at home. To this last end, through her ambassador at Washington — while he was still enjoying our hospitality — she had secretly been trying, as we learned a little later, to get Mexico and Japan to join in an attack upon us, *promising them aid and huge portions of our western territory.*

January 31, the German government announced that it was about to renew its "unrestricted" submarine policy, explaining to its own people with moral callousness, why it had for a time *appeared* to yield to American pressure. President Wilson at once dismissed the German ambassador, according to his promise of the preceding March (§ 861), recalled our ambassador, Gerard, from Berlin, and appeared before Congress to announce, in a solemn address, the complete severance of diplomatic relations — expressing, however, a faint hope that the German government might still refrain from compelling us, by some "overt act," to repel force by force. By March 1, Germany had begun again actually to sink passenger ships and murder more Americans; and on March 3, the President asked Congress to approve his plan of placing armed guards from the Nation's forces on our merchant ships. More than

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<sup>1</sup> This great address should be read by all students. It can be found in many forms, — at present perhaps most conveniently in *How the War Came to America*, Appendix (Government Printing Office, Washington, D. C., for free distribution).

500 of the 531 members of the two Houses were eager to vote their approval; but the filibustering minority prevented a vote in the Senate until the expiration of the session on the next day.

**867.** March 12, in exercise of his constitutional powers, the President did put guards on our merchant vessels. Germany announced that such guards if captured would be treated as pirates. Meantime, many more Americans had been murdered at sea by the sinking of neutral vessels.<sup>1</sup> The temper of the nation was changing swiftly. Apathy vanished. Direct and open opposition to war there still was from extreme pacifists and from pro-Germans, including the organization of the Socialist party (§ 819): but the great majority of the Nation roused itself to defend the rights of mankind against a dangerous government running amuck, and turned its eyes confidently to the President for a signal. And April 2 President Wilson appeared before the new Congress, met in special session, to ask it to declare that we were now at war with Germany. April 6, by overwhelming votes, that declaration was adopted.

**868.** America went to war not to avenge slights to its "honor," or merely to protect the property of its citizens, or even merely to protect their lives at sea. America went to war not *merely* in self-defense. **We do war for this, but more in defense of free government, in defense of civilization, in defense of humanity.** Said President Wilson in his War Message:—

"The present German submarine warfare against commerce is a war against all mankind. . . . The challenge is to all. . . . Neutrality is

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<sup>1</sup> Besides the eight American vessels sunk before March, 1916, eight had been sunk in the one month from February 3 to March 2, 1917. During the two months, February and March, 105 Norwegian vessels were sunk, with the loss of 328 lives. By April 3, 1917, according to figures compiled by the United States government, 686 neutral vessels had been sunk by Germany *without* counting American ships. When we turn to the still more important question of lives, we count up 226 American citizens slain by the action of German submarines before April, 1917. For details, see *The War Message and the Facts behind It*. Published by the Committee on Public Information, Washington, D. C.

no longer feasible or *desirable*, when the peace of the world is involved, and the freedom of its peoples, and when the menace to that peace and freedom lies in the existence of autocratic governments backed by organized force which is controlled wholly by their will, not the will of their people. . . . *We have no quarrel with the German people.* . . . A steadfast concert for peace can never be maintained except by a partnership of *democratic* nations. No autocratic government could be trusted to keep faith within it. Only free peoples . . . can prefer the interests of mankind to any narrow interests of their own. . . .

“We are now about to accept the gage of battle with the natural foe to liberty. . . . We are glad . . . to fight for the ultimate peace of the world and for the liberation of its peoples, *the German people included.* . . .

“The world must be made safe for democracy. . . . We have no selfish ends. We desire no conquests, no dominion. We seek no indemnities for ourselves, no material compensation for the sacrifices we shall freely make.

“It is a fearful thing to lead this great, peaceful country into war, into the most terrible and disastrous of all wars, civilization itself seeming to be in the balance. But the right is more precious than peace; and we shall fight for the things which we have always carried nearest our hearts — for democracy, for the right of those who submit to authority to have a voice in their own governments, for the rights and liberties of small nations, for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations. . . .

“To such a task we can dedicate our lives and our fortunes, everything that we are and everything that we have, with the pride of those who know that the day has come when America is privileged to spend her blood and her might for the principles that gave her birth and happiness and for the peace which she has treasured. God helping her, she can do no other.”

**869.** Cuba at once followed the example of the United States in declaring war against Germany, and most of the countries of South and Central America either took the same action within a few months or at least broke off diplomatic relations with the Central European Powers.<sup>1</sup>

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<sup>1</sup> A characteristic act of German perfidy toward Argentine is worth noting for the sidelight it throws upon the conduct of German agents in the United States before we entered the war.

Argentine was neutral, and its government indeed was rather pro-German; but the people were growing restive because of the repeated sinking of Argen-

This lining up of the American nations had mighty moral value, and no small bearing upon the final outcome of the war, first, in the matter of supplies; and *finally*, in *direct* effect upon military operations.

**870. Those operations continued through 1917 much as before.** On the West front, France and England slowly forced back the Germans, and showed at last a definite superiority in men, fighting tone, and supplies. In Asia, too, the small English armies won notable victories, capturing Bagdad and the Tigris valley, and freeing Jerusalem and the Holy Land from Turkish rule.

But in Eastern Europe, Germany worked her will. The autocratic Russian government, fearing for autocracy itself, had for many months been basely betraying the brave but unsupplied Russian armies in the field. At last, early in 1917, the Russian people cast out their treacherous government and tried to set up a republic. For a while, under the spirited dictatorship of *Kerensky*, Russia bade fair to be, more than before, a decisive factor in the war. But control slipped swiftly to fantastic enthusiasts, who disbanded the Russian armies, and then, lamblike, argued for a just peace. Deserted Roumania of course was forced to accept a German armistice.

Freed from danger in the East, Germany then hurled back in rout the great Italian advance into Austria, and was even able, just at the close of the year, to check the hoped-for advance of the Allies on the West. America, it was plain, had entered the war none too soon.

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tine ships by German submarines. Finally the German ambassador to that country sent a secret dispatch to his government, advising it earnestly not to give up its practice, but thereafter when it sank an Argentine vessel *to make sure that no trace survived of ship or crew* ("spurlos versenkt"). This document was secured by an American secret agent, and the Argentine government dismissed the Ambassador. The German government has never shown regret for its representative's vile suggestion of wholesale murder of citizens of a power to which he was daily professing friendship and whose guest he was—though there has been some criticism of his clumsiness in allowing the act to be discovered.

On the other hand, the submarines, with which Germany had boasted in January that she would starve England to abject submission before June, were apparently eliminated as a *decisive* factor in the war, annoying though they continued to be.

871. The United States formed no "alliance" by treaty with any of the Allies but it frankly recognized that they and we were co-workers in the war, and that it was our part to give them every possible aid. They looked to us at first for *money*, for *raw materials*, and especially for *food*.

Money we began at once to furnish freely from our abundance. Within a few months the special session of Congress appropriated the unparalleled sum of twenty-two billions for the next year. More than five billions of this was raised promptly by the sale of Liberty Bonds, mostly in small denominations, down to \$50, and largely to people of small means. One person out of about every ten in the United States (children included) became a bond holder by so loaning to the government. At the same time a War Revenue bill provided for *direct taxes* to raise some two and a half billions a year, half of that to come from a new graduated income tax, bearing heavily upon the rich, and from "excess war profits." And some four billions of money was loaned at once by our government to France, England, Italy, and Russia.

Ammunition and arms the western Allies now had, and factories of their own to manufacture more. But England needed our cotton and copper, and France and Italy could not fight long without our coal and iron as well. These things we strove to send. But all these lands, stripped of their own farm workers, needed American food; and our poor harvest had left us no surplus above our own ordinary consumption. To meet this alarming condition, Congress conferred on President Wilson extraordinary powers over the Nation's resources of all kinds. The President then created a *Food Commission*, headed by Herbert C. Hoover, who for three years had proved his signal administrative ability and his devotion

to humanity as head of the American Relief Commission in starving Belgium.<sup>1</sup>

This Food Commission, by spreading information broadcast and by skillful appeals kept everywhere before the eye, induced the American people voluntarily to limit its consumption and especially to "save the waste." Wheatless and meatless days each week, and a rigid limitation on the amount of sugar permitted any locality, created a huge surplus of the three most essential foods for the armies fighting our battles in Europe. At the same time, to prevent this European demand from raising prices exorbitantly, the Commissioners virtually *fixed fair prices* and *regulated profits*.

To carry food and other supplies to Europe a new *Shipping Board* began to build ships on an unprecedented scale, so as to counteract the ravages of the submarine. To increase transportation facilities at home, the President finally seized the railroads and began to operate them as one system, to save the waste of many diverse systems. The price of coal, too, was fixed by the government. All this new work, taken over by the government, called for many men of absolute integrity and high ability; and at the President's invitation, large numbers of the nation's most noted captains of industry and most skillful scientists gave up their own work to serve upon national "Boards" and "Commissions" of many sorts, all without pay.

**872.** But the United States of course had to give not only her wealth but her blood. Our navy at once became useful in guarding transportation and in hunting down submarines. More than half a billion dollars was appropriated for building an immense fleet of air craft, by a new Aviation Board, where-with "to blind the German giant", and the new aviation schools were thronged with applicants for the service.

For actual fighting on land we were even more unready

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<sup>1</sup> When we entered the war, Mr. Hoover, and his American associates in the Belgian relief work, were obliged to return to the United States.

than was England three years before. Here, too, in 1917 great strides were taken, though with some inevitable confusion and delay. The skeleton army, like the skeleton navy, was recruited swiftly by volunteer enlistment to the utmost limit possible without losing all character as a trained organization. And by a newly created and vast "draft machinery," ten million young men had been listed and classified upon the principles of "universal liability" and "selective conscription." Before the end of the year half a million of them were training in newly built camps, largely under officers who themselves had previously been trained in new officers' camps. Still more to the point, by January, 1918, some three hundred thousand American soldiers had been safely transported to France and there just back of the firing line were receiving their final training for the new warfare. Small bodies had even entered the trenches, and a few gallant youths had laid down their lives.

**873. Splendid was the awakening of America**, following quickly on the President's call. True, some misled pacifists and the positive pro-German forces still did their utmost to give aid and comfort to the Kaiser. Patriotic pacifists, however, like Mr. Bryan, recognized that to oppose our entering the war was a matter of judgment, but that now to hinder the success of America in the war was treason. Mr. Bryan had resigned from the Cabinet, in June of 1915, as a protest against the President's firmness in pressing the *Lusitania* matter: but now he promptly declared, "The quickest road to peace is through the war to victory"; and he telegraphed the President an offer of his services in any capacity. Henry Ford, who had led a shipload of peace enthusiasts to Europe the year before, now placed his great automobile factories absolutely at the disposal of the government, and soon became a valued worker in one of the government's new War Boards. Charles Edward Russell (§ 819), choosing to be an American rather than a Socialist if he could not be both, became one of a great Commission to Russia, and on his return supported

and explained the war with voice and pen. And the oldest Socialist paper in America, *The Appeal to Reason*, soon declared itself convinced by President Wilson's statements, and came out as *The New Appeal* in support of the war. The German-American press remained, in great measure, semi-treasonable; but the great majority of Americans of German birth or descent rallied promptly to the flag of the land they had chosen. Most important of all, the organized wage earners spoke with emphasis and unity for America and democracy. Led by their patriotic president, Samuel Gompers, the delegates of the American Federation in November, by a vote of 21,579 local unions as against 402, organized the *Alliance for Labor and Democracy* to support the war and to combat a pacifist "People's Council" which had been claiming to speak for labor.

Notable above all, was the absence of rancor and evil passion, and the dominating presence of high idealism and quiet heroism in our new soldiers and in the homes they had left. At last the President's proud prophecy had become fact:—

"There will come that day when the world will say, 'This America that we thought was full of contrary counsels now speaks with the great volume of the heart's accord; and the great heart of America has behind it the supreme moral force of righteousness and of hope for the liberty of mankind.'"

**874. The End of the War.** Early in 1918 Germany began a series of "drives" to break the Allied lines and win the war. These were met by strategic retreats and masterly defence under Marshal Foch, now appointed commander-in-chief of the Allied armies.

Meanwhile America, spurred on by the peril of the Allies, sent hundreds of thousands of men each month to strengthen the French and English lines. With these additions Foch soon had sufficient strength to assume the offensive. On July 18, in meeting the final German drive, the Americans attacked at Chateau-Thierry and from that date the offensive was continued

along the whole Western Front till the Germans asked for an armistice. This was granted, and began Nov. 11, 1918.

**875. The Peace Treaty.** Early in 1919 representatives of the Allies met at Versailles for the most important *Peace Conference* ever held. After long discussion the terms of a peace treaty, including a covenant for a *League of Nations*, were drawn up and after some delay were ratified by most of the Allies and by the Central Powers.

In America the Senate was unable to agree upon a form of treaty which it was willing to ratify. Thus in 1920 the United States is still technically at war with Germany.

Stirring times are before us — times once more to try men's souls. Europe is still in desperate peril of social dissolution; even America is not wholly free from danger that revolution may destroy the wholesome and progressive evolution of our society; and the world is not yet out of the peril of a frightful shortage of food. True, too, there is going on a dangerous reaction typified by the arrogant attitude of the Steel Company in 1919 toward its striking employees. And these reactionaries have known how to throw discredit upon all progressive movements by confusing them in the popular mind with Bolshevism. But men of faith believe that the outlook brightens, and that a new day is breaking. Just after the exhausting conflict, there was a let down, a slump in morale. Society was marked for a time by careless self-indulgence and by thoughtless indifference toward great issues. But already there surges up again in the masses of mankind a new wave of moral earnestness, promising a world "safe for democracy" and "fit for heroes."

High school youth for years will remember vividly the war years and their regret that they were too young to play a part. Now theirs is perhaps a harder part. The challenge to them is to complete the work for which their elder brothers died — to strive in peace for freedom and human brotherhood.

"If ye break faith with us who die,  
We shall not sleep, though poppies blow  
In Flanders fields."

# APPENDIX I

## THE FEDERAL CONSTITUTION

(Recommended by the Philadelphia Convention to the States, September 17, 1787; ratified by the ninth State, June 21, 1788; in effect, April 30, 1789. The text is that printed in the *Revised Statutes* (1878), except for (1) the footnote references, and (2) the brackets used in a few instances to inclose portions of the document no longer effective. Interpolated matter, in the same type as this paragraph, is placed within marks of parenthesis.)

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

### ARTICLE I

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers [which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years], and excluding Indians not taxed, [three fifths of all other Persons].<sup>1</sup> The actual Enumeration shall be made within three

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<sup>1</sup> The abolition of slavery has rendered obsolete the clauses within brackets in this paragraph.

Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct.<sup>1</sup> The number of Representatives shall not exceed one for every thirty Thousand,<sup>2</sup> but each State shall have at Least one Representative.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen [by the Legislature thereof,]<sup>3</sup> for six Years; and each Senator shall have one Vote.

[Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year], so that one third may be chosen every second Year; [and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.]<sup>4</sup>

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

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<sup>1</sup> The first census was taken in 1790, and one has been taken in the closing year of each decade since.

<sup>2</sup> The First Congress made the number 33,000. It is now (1916) 193,284.

<sup>3</sup> Superseded by the Seventeenth Amendment.

<sup>4</sup> See Seventeenth Amendment.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust, or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment, and Punishment, according to Law.

Section 4. The Times, Places, and Manner of holding Elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations [except as to the Places of chusing Senators].

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section 5. Each House shall be the Judge of the Elections, Returns, and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections, to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by Yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.<sup>1</sup>

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<sup>1</sup> The veto provision in the Massachusetts Constitution of 1780 (§ 268) ran:—

“Article II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whatsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of law; but in all such cases, the vote of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve shall be entered upon the public records of the Commonwealth.

“And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of law.”

The “pocket-veto” clause (the last provision of the text above) was original in the Federal Constitution.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the United States;

To borrow Money on the Credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress:

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section 9. [The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.]

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct,<sup>1</sup> Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or

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<sup>1</sup> Modified by the Sixteenth Amendment.

Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing its inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE II

Section 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected; as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from

each State having one Vote . . . In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.<sup>1</sup>

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.<sup>2</sup>

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.<sup>3</sup>

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—

“ I do solemnly swear (or affirm) that I will faithfully execute the

<sup>1</sup> Superseded by Twelfth Amendment, which might well have been *substituted* for this paragraph in the body of the document.

<sup>2</sup> In 1792 Congress provided that the president pro tem of the Senate should be next in succession, and after him the Speaker of the House. In 1886 (Jan. 19), this undesirable law was supplanted by a new one placing the succession (after the Vice President) in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney General, Postmaster General, Secretary of the Navy, Secretary of the Interior.

<sup>3</sup> What is the antecedent of “them”? The salary of George Washington was fixed by the First Congress at \$25,000. This amount remained unchanged until 1871, when it was made \$50,000. In 1909 the salary was raised to \$75,000. Large allowances are made also, in these latter days, for expenses of various sorts,—one item of \$25,000, for instance, for traveling expenses,—which is the reason the salary is commonly referred to as \$100,000.

Office of President of the United States, and will to the best of my Ability, preserve, protect, and defend the Constitution of the United States."

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section 4. The President, Vice President, and all civil Officers of the United States shall be removed from office on Impeachment for, and conviction of, Treason, Bribery, or other high Crimes and Misdemeanours.

### ARTICLE III

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good

Behavior, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens of another State<sup>1</sup>; — between Citizens of different States, — between Citizens of the same State claiming lands under Grants of different States, — and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

(On the appellate jurisdiction, cf. §§ 352 *a* and 372. Section 25 of the Judiciary Act of 1789, still in force, defines that jurisdiction as follows:

*“And be it further enacted, That a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, when is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or when is drawn in question*

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<sup>1</sup> Limited by the Eleventh Amendment to cases *begun* by a State.

the validity of a statute of, or an authority exercised under, any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of such their validity ; or when is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under, the United States, and the decision is against the title, right, privilege, or exemption, specially set up or claimed . . . under such clause of the said Constitution, treaty, statute, or commission, may be re-examined, and revised or affirmed in the Supreme Court of the United States upon a writ of error . . .”

The “inferior courts” at present (1918) are, from the bottom up:—

1. *District Courts.* Over ninety. The law of 1789 provided for thirteen.

2. *Circuit Courts.* Nine, each three justices. The first law, 1789, provided three circuit courts, but no special circuit judges ; a circuit court then consisted of a justice of the Supreme Court “or circuit” and one or more judges of district courts included within the circuit. This remained the rule with a brief attempt at change in 1801 (§ 421), until 1866, when separate circuit justices were provided.

3. *Circuit Courts of Appeals.* One for each of the nine circuits, composed of a justice of the Supreme Court and of other Federal judges—not less than three in all, and not including any justice from whose decision the appeal is taken. This order of courts was instituted in 1891, to relieve the Supreme Court which was then hopelessly overburdened with appeals from lower courts. In most cases the decision of a circuit court of appeals is final.

4. *The Supreme Court.* One Chief Justice and eight Associate Justices. Its business now is confined very largely to those supremely important matters specified in the Constitution and in the law of 1789 quoted above.

There are also two special courts, somewhat outside this system : (1) the *Federal Court of Claims*, to determine money claims against the United States, established in 1855 ; (2) *Court of Customs Appeals*, established in 1909.)

## ARTICLE IV

**Section 1.** Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2. The Citizens of each State shall be entitled to all Privileges and immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]<sup>1</sup>

Section 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

## ARTICLE V

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided [that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and] that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

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<sup>1</sup> Superseded, so far as slaves are meant, by the Thirteenth Amendment.

## ARTICLE VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

## ARTICLE VII

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

## AMENDMENTS

[i]<sup>1</sup>

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

[ii]

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

[iii]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by Law.

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<sup>1</sup> Originally, the first twelve amendments were not numbered in the official manuscripts.

## [iv]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## [v]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

## [vi]

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

## [vii]

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

## [viii]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## [ix]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[x]<sup>1</sup>

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

[xi] (1798)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[xii] (1804)

The Electors shall meet in their respective States, and vote by ballot for President and Vice President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice President, shall be the Vice President, if such number be a majority of the whole number of

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<sup>1</sup> These first ten amendments were in force after November 3, 1791.

Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

xiii (1865)

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation.

xiv (1868)

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty one years of age in such State.

Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitu-

tion of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

xv (1870)

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

xvi (1913)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the States, and without regard to any census or enumeration.

xvii<sup>1</sup>

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, that the Legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

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<sup>1</sup> Proclaimed in force, 1913.

## xviii (1920)

Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof, for beverage purposes, is hereby prohibited.

Section 2. The Congress and the several states shall have concurrent power to enforce this article by appropriate legislation.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the Legislatures of the several States as provided in the Constitution within seven years from the date of the submission hereof to the States by the Congress.

## APPENDIX II

### A SELECT LIBRARY ON AMERICAN HISTORY

(No books on the World War, now in progress, are listed. Every library however should have the publications of the *Committee of Public Information* printed for free distribution by the Government Printing Office at Washington. Several of these are especially referred to in notes in the final chapter of this book.)

**Adams (Brooks).** Emancipation of Massachusetts (an anti-Puritan account of the overthrow of Puritan theocracy). Houghton. \$ 1.50.

**Adams (Henry).** History of the United States in the Administration of Jefferson. (This is part of a larger work continuing the story to 1824. In all there are nine volumes. Volumes I and II (\$ 2.00 each) may profitably be used by students.) Scribner.

**Adams and Sumner.** Labor Problems. Macmillan. \$ 1.50.

**Andrews (C. M.).** Colonial Self-government. (American Nation Series.) Harpers. \$ 2.00.

— The Colonial Period. (Home University Library.) Holt. \$ .50.

**Babcock (K. C.).** Rise of American Nationality. (American Nation Series.) Harpers. \$ 2.00.

**Bassett (J. S.).** The Federalist System. (American Nation.) Harpers. \$ 2.00.  
— A Short History of the United States. Macmillan. \$ 2.50.

**Becker (Carl L.).** Beginnings of the American People (vol. I of the Riverside History of the United States). Houghton. \$ 1.25.

**Bourne (E. G.).** Spain in America. (American Nation.) Harpers. \$ 2.00.

**Bradford (William).** History of Plymouth Plantation. (Original Narrative Series.) Scribner. \$ 3.00.

**Brown (W. G.).** Andrew Jackson. Houghton. \$ .50.

**Bryce (James).** The American Commonwealth. 2 vols. Macmillan. \$ 4.00.

**Channing (Edward).** The Jeffersonian System. (American Nation Series.) Harpers. \$ 2.00.

— History of the United States. (Three volumes ready, through the Revolution.) Macmillan. \$ 2.50 a volume.

**Dewey (Davis Rich).** National Problems. (American Nation.) Harpers. \$ 2.00.

**Dodd (Wm. E.).** *Expansion and Conflict* (vol. III of the Riverside History of the United States). Houghton. \$ 1.25. (The best brief treatment of the period from Jackson to Lincoln.)

- Dodge (T. A.).** Bird's-eye View of our Civil War. Houghton. \$1.00.
- Dunn (J. P.).** Indiana. (American Commonwealths.) Houghton. \$1.50.
- Dunning (W. A.).** Reconstruction, 1865-1877. (American Nation.) Harpers. \$2.00.
- Earle (Alice Morse).** Customs and Fashions in Old New England. Houghton. \$1.50.
- Eggleston (Edward).** Beginners of a Nation. Appleton. \$2.00.
- Eggleston (G. C.)** A Rebel's Recollections. Putnam. \$1.00.
- Farrand (Max),** editor. Records of the Federal Convention of 1787. 3 vols. Yale University Press. \$15.00.
- Fish (C. R.).** American Diplomacy (to 1915). Holt. \$2.75.
- Fiske (John).** Discovery of America. 2 vols. Houghton. \$4.00.
- Old Virginia and her Neighbors. 2 vols. Houghton. \$4.00.
- American Revolution. 2 vols. Houghton. \$4.00.
- The Critical Period. Houghton. \$2.00.
- Garrison (G. P.).** Westward Extension. (American Nation.) Harpers. \$2.00.
- Greene (E. B.).** Provincial America. (American Nation.) Harpers. \$2.00.
- Hart (A. B.).** Salmon P. Chase. (American Statesman.) Houghton. \$1.50.
- Haworth (P. L.).** Reconstruction and Union. (Home University Library.) Holt. \$.50.
- Hosmer (James K.).** Samuel Adams. (American Statesman.) Houghton. \$1.50.
- Howard (G. E.).** Preliminaries of the Revolution. (American Nation Series.) Harpers. \$2.00.
- Johnson (Tom L.).** My Story. Huebsch. \$2.00.
- LaFollette (R. M.).** Personal Narrative of Political Experiences. Doubleday. \$1.50.
- Lee (Robert E.).** Recollections and Letters of General Robert E. Lee. Doubleday. \$2.50.
- Lodge (Henry Cabot).** George Washington. (American Statesman Series.) 2 vols. Houghton. \$3.00.
- Alexander Hamilton. (American Statesman Series.) Houghton. \$1.50.
- Daniel Webster. (American Statesman Series.) Houghton. \$1.50.
- McDonald (William).** Select Documents illustrative of the History of the United States, 1776-1861. Macmillan. \$1.50.
- Jacksonian Democracy. (American Nation Series.) Harpers. \$2.00.
- From Jefferson to Lincoln. (Home University.) Holt. \$.50.
- McLaughlin (Andrew C.).** Confederation and Constitution. (American Nation Series.) Harpers. \$2.00.
- Morse (J. T.).** Abraham Lincoln. (American Statesman Series.) 2 vols. Houghton. \$3.00.
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- Page (Thomas Nelson).** The Old South. Scribner. \$1.25.

- Parkman (Francis).** *Half-Century of Conflict.* 2 vols. Little, Brown, & Co. \$ 3.00.
- *Montcalm and Wolfe.* 2 vols. Little, Brown, & Co. \$ 3.00.
- *Conspiracy of Pontiac.* Dutton. 2 vols. Each \$ .35.
- Paxson (F. L.).** *The Civil War (1854-1855).* (Home University Library.) Holt. \$ .50.
- *The New Nation.* (Riverside History; 1861-1915.) Houghton. \$ 1.25.
- Price (Overton).** *The Land We Live In ("Boys' Book of Conservation.")* Small, Maynard & Co. \$ 1.50.
- Roosevelt (Theodore).** *Thomas Benton.* (American Statesman Series.) Houghton. \$ 1.50.
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- *Winning of the West.* 6 vols. Putnam. \$ 3.00.
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- Schouler (James).** *Thomas Jefferson.* (Makers of America.) Dodd. \$ 1.00.
- Schurz (Carl).** *Henry Clay.* (American Statesman.) Houghton. \$ 1.50.
- Straus (O. S.).** *Roger Williams.* (Makers of America.) Century. \$ 1.00.
- Tarbell (Ida M.).** *The Tariff in Our Own Times.* 2 vols. Macmillan. \$ 3.00.
- *History of the Standard Oil Company.* 2 vols. Macmillan. \$ 5.00.
- *The Golden Rule in Business.* Macmillan. \$ 2.00.
- Thwaites (R. G.).** *France in America.* (American Nation Series.) Harpers. \$ 2.00.
- Tocqueville (Alexis de).** *Democracy in America.* Barnes. \$ 2.50.
- Turner (Frederic J.).** *Rise of the New West.* (American Nation Series.) Harpers. \$ 2.00.
- Twichell (John).** *John Winthrop.* (Makers of America.) Century. \$ 1.00.
- Van Tyne.** *American Revolution.* (American Nation.) Harpers. \$ 2.00.
- Walker (Francis A.).** *Making of the Nation.* Scribner. \$ 1.00.
- Washington (Booker T.).** *Story of the Negro.* 2 vols. Doubleday. \$ 3.00.
- West (W. M.),** editor. *Source Book in American History, to 1789.* Allyn and Bacon. \$ 1.50.
- Whitlock (Brand).** *Forty Years of It [1875-1914].* Appleton. \$ 1.00.
- Wilson (Woodrow).** *Congressional Government.* Houghton. \$ 1.25.
- *Division and Reunion.* Longmans. \$ 1.25.
- Woodburn (J. A.),** editor. *Lecky's American Revolution.* Appleton. \$ 1.00.

#### A SHORT LIST OF ILLUSTRATIVE FICTION

- Austin (Jane G.).** *Standish of Standish.* Houghton.
- Avary (M. L.).** *A Virginia Girl in the Civil War.* Appleton.
- Churchill (Winston).** *The Crossing; The Crisis; Mr. Carewe's Career; A Far Country.* Macmillan.

- Eggleston and Seelye.** Pocahontas. Dodd.
- Foote (Mary Hallock).** Cœur d'Alene. Houghton.
- Ford (P. L.).** The Honorable Peter Sterling. Holt.
- Garland (Hamlin).** Cavanagh, The Forest Ranger; Hesper (a story of the recent West). Harpers.
- Johnston (Mary).** To Have and to Hold. Houghton.  
— Prisoners of Hope. Houghton.
- Kingsley (Charles).** Westward Ho. (Everyman's Library.) Dutton.
- Larcom (Lucy).** A New England Girlhood. Houghton.
- Lindsey (B. B.).** The Beast and the Jungle. Doubleday.
- Norris (Frank).** The Octopus. Grosset.  
— The Pit. Grosset.
- Page (T. N.).** Red Rock. Scribner.  
— Among the Camps. Scribner.
- Stimson (F. J.).** King Noanett. Scribner.
- Tarkington (Booth).** The Turmoil. Harpers.
- White (Stewart Edward).** The Riverman. Doubleday.  
— The Rules of the Game. Doubleday.
- White (William Allen).** A Certain Rich Man. Macmillan.
- Wister (Owen).** The Virginian. Macmillan.

### ESSAYS

- Crothers (Samuel).** The Pardoner's Wallet (for the essay, "The Land of the Large and Charitable Air"). Houghton.
- Lowell (James Russell).** Works (for "New England Two Centuries Ago") Houghton.
- Wilson (Woodrow).** Mere Literature (for "The Course of American History"). Macmillan.

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